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Chair

The Honourable Larry Bagnell

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● (1535)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, L...): Good afternoon. Welcome to meeting 111 of the Standing Committee on Procedure and House Affairs as we continue our study of Bill C-76, an act to amend the Canada Elections Act and other acts and to make certain consequential amendments.

We are pleased to be joined by officials from the Communications Security Establishment, Scott Jones, Deputy Chief, Information Technology Security; and Jason Besner, Director, Cyber Threat Evaluation Centre, Information Technology Security. As well, from the Canadian Federation of Students, we have Coty Zachariah, National Chairperson, and Justine De Jaegher, Executive Director.

I have some good news for the committee. Twitter has agreed—

The Clerk of the Committee (Mr. Andrew Lauzon): I sent the email to Mr. Chan from Facebook and to Twitter as well, and I've been in contact with both of them by phone or by email. Mr. Chan said that he would be able to be here on Thursday afternoon, and I'm still waiting to hear back from Twitter with an official response.

The Chair: Mr. Jones, you can make your opening statement. Thank you for coming.

Mr. Scott Jones (Deputy Chief, Information Technology Security, Communications Security Establishment): Good afternoon, Mr. Chair and members of the committee. My name is Scott Jones and I'm the head of cybersecurity at the Communications Security Establishment. As mentioned, I'm accompanied by Jason Besner, the Director of the Cyber Threat Evaluation Centre, or CTEC, at CSE. Thank you for inviting us here today.

[*Translation*]

As I believe it has been sometime since a CSE official appeared before this committee, please allow me to provide you with a brief overview of CSE's cybersecurity mandate.

For over 70 years, CSE has helped provide and protect Canada's most sensitive information.

In addition to our foreign signals intelligence and lawful assistance mandates, CSE, as Canada's centre of excellence for cyber operations, is mandated to help ensure the protection of information and information infrastructures of importance to the Government of Canada.

In this effort, CSE provides advice, guidance, and services to Government of Canada departments and agencies and to owners of other systems of importance to the Government of Canada. CSE works closely with partners from across government as part of this important effort, some of whom you have already heard from as part of your study.

● (1540)

[*English*]

As you know, the Minister of Democratic Institutions asked CSE to analyze risks to Canada's political and electoral activities from hackers. In response, CSE released an assessment of cyber-threats to Canada's democratic process. This assessment, released in June 2017, was developed by looking at the experiences of elections around the world over the last 10 years. The report found that Canada is not immune from cyber-threat activity against its elections.

While the threat in Canada was assessed as generally low sophistication, political parties, politicians, and the media are vulnerable to cyber-threats and influence operations. Indeed, the report assessed that in 2015 Canada's democratic process was targeted by low-sophistication cyber-threat activity.

There are many types of threat actors who could target our democratic process, and CSE plays a vital role in preventing them from achieving their goals. By providing advice to government departments, political parties, and the public on how they can better protect themselves against cyber-threats, we help prevent harmful compromises.

Since publishing the report on cyber-threats to Canada's democratic process in June, CSE has held productive meetings with political parties, parliamentarians, and electoral officials to discuss the report and its findings and to offer cybersecurity advice and guidance. For example, at the federal level, CSE officials have met with parliamentarians, representatives from all political parties with standing in the House of Commons, and in partnership with Elections Canada, we met with a majority of federally registered political parties in Canada.

We have been asked by the Minister of Democratic Institutions to continue our analysis of cyber-threats to Canada's democratic process. Our 2017 report was produced with the intent of it being updated as required. Our analysis will continue to look at the rapidly changing technological and threat environment, and will help characterize and understand the evolving threats to our democratic processes.

These efforts are part of CSE's goal of supporting an enhanced understanding of cybersecurity issues and will help increase resilience against threats to Canada's democratic process. In addition, this ongoing analysis will help inform briefings to Government of Canada officials, political parties, and parliamentarians.

Our ongoing efforts are set within the context of broader initiatives taken by the Government of Canada to bolster cybersecurity. Through budget 2018, the government has announced its intention to create a Canadian centre for cybersecurity within CSE as part of a new "to be announced" Canadian cybersecurity strategy. This initiative is complemented by the enhanced statutory framework proposed under Bill C-59, which would help strengthen CSE's capacity to thwart cyber-threats. This important legislation includes key provisions to advance the tools available to government in this domain, set within an enhanced accountability regime.

Thank you, and we look forward to answering your questions.

The Chair: Thank you.

Now we'll go to Coty Zachariah, from the Canadian Federation of Students.

Mr. Coty Zachariah (National Chairperson, Canadian Federation of Students): *[Witness speaks in Mohawk]*

I was just speaking Mohawk and said, "Hello, everyone." My name is Coty Zachariah, or "He Speaks in the Wind". I come from the Mohawks of the Bay of Quinte First Nation, located near Kingston. I'm also the national chairperson of the Canadian Federation of Students and represent around 650,000 students across the country at the post-secondary level.

In October 2014, we joined the Council of Canadians in a charter challenge to the voter suppression elements of the so-called Fair Elections Act. Our primary concerns about the act were with regard to prohibiting the authority of the Chief Electoral Officer, or CEO, to authorize the use of the voter information cards as valid ID for voting, and limiting the CEO's authority to carry out voter education and outreach.

Students face additional barriers to voting, notably that students move frequently, often up to twice a year. As a result, common identification cards do not indicate the address that students live at on election day, or their names are not on the voters list in the poll or riding that they live in while they attend school. Moreover, by limiting the CEO's authority to carry out voter education and outreach, students, who are often new voters, are likely to be more confused about the process.

Despite these barriers in the last election, the CFS undertook a massive, non-partisan elections campaign that worked to mobilize students to come out in record numbers to vote. In 2015, 70,000 student voters took part in the democratic process at on-campus polling stations. It led to an expansion of that initial pilot project within Elections Canada. For 18- to 24-year-olds, turnout was 57.1%, compared to 38.8% in 2011. This increase of 18.3 percentage points is the largest increase of voting engagement in any demographic in the country. However, this increase was in spite of the Fair Elections Act and students still faced issues.

To quote the Chief Electoral Officer's post-2015 election retrospective report:

> As in the previous two elections, problems with voter identification at the polls were more often related to proof of address. The labour force survey after the 42nd general election asked non-voters why they did not vote. In terms of reasons related to the electoral process, the inability to prove identity or address was the main reason cited ... and was more often cited among those aged 18 to 24.... Based on estimations from the survey, that amounts to approximately 172,700 electors. Among them, some 49,600 (28.7%) said they went to the polling station, but did not vote because they were not able to prove their identity and address. Approximately 39% of that group were aged 18 to 34.

We at CSF find that unacceptable. Students, however, are encouraged to see that Bill C-76 would make substantial reform to the Canada Elections Act, including the amendments formerly set in Bill C-33, and we look forward to seeing it passed.

We are discouraged, however, that these reforms are coming so late. It seems likely that even if Bill C-76 proceeds expeditiously, it would not make it through the Senate and be proclaimed into force until 2019, making it unlikely that Elections Canada could fully implement the bill's reforms before the next general election in October of next year. It seems likely that it is our court case with the Council of Canadians that might result in the necessary reforms around voter suppression being implemented prior to this election, a regretful outcome of a delayed process around Bill C-33 that we would like noted.

We believe student and youth participation in the democratic process is something to be celebrated and not discouraged. We hope that Bill C-76 will promote this principle.

Thank you.

● (1545)

The Chair: Thank you very much.

Now we'll begin our round of questions, starting with Mr. Graham.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you.

My question is to our friends Mr. Jones and Mr. Besner.

What services does CSE provide to Elections Canada and political parties?

Mr. Scott Jones: There are a few areas. We've been working with Elections Canada on general architecture, advice, and guidance, things such as supply-chain integrity, contractual clauses, and so on, as they start to establish the infrastructure for the election. In addition, though, we've also worked with them in the development of the threat assessment itself, just to ensure that we were maintaining neutrality and not stepping into what is the domain of Elections Canada as a non-government entity, an entity of Parliament.

Further to that, though, we are also looking at how to actively participate and work with Elections Canada in terms of defending the infrastructure that is being deployed in support of election 2019 to ensure that it is properly protected and is able to proceed.

Mr. David de Burgh Graham: From your point of view, what's the greatest threat to cybersecurity in parties and in elections in general? Is it technical issues or is it social engineering?

Mr. Scott Jones: I think it's a mix. If you look at political parties and politicians as candidates, the lack of advice that can be practically implemented and easy to use...technology itself is a barrier to that. It is hard to implement proper security right now. It's not simply something that you can just buy. Frankly, the technology we use needs to be improved drastically itself.

We do provide advice and guidance in terms of things people can do themselves. Everything takes time. We all know there's probably not a large IT organization behind every candidate or behind every party; it's what's necessary to run the election. The biggest challenge is that right now cybersecurity takes a tremendous amount of effort and it takes expertise. It should become secure by default and design rather than you having to secure yourself.

Mr. David de Burgh Graham: Is there any such thing as a completely secure system?

Mr. Scott Jones: No.

Mr. David de Burgh Graham: If we were to go down the road of electronic voting, which isn't talked about a lot, how secure would that be? Or how easy would that be to compromise, in your view?

Mr. Scott Jones: It all depends on how early you get in and start working on security. If you look at security from the very beginning, you can design a system that is able to protect itself, that's able to detect when there is malicious activity happening, and that is able to assure that the data itself has integrity. That starts from the beginning, so that security is designed as an integral part. When we look at security at the end, it interferes with our ability to use the system; it interferes with our ability as users to interact.

The key aspect of going with online voting—and there are a number of benefits that I know have been discussed—is really to get in early and design it from the start for the security environment we face, which is one of a number of threats. It doesn't necessarily need to be a state threat, but sometimes the threat of mayhem and the ability to just do something.... Enthusiasts are actually a significant risk at this point as well.

● (1550)

Mr. David de Burgh Graham: That's fair.

What can we as politicians do to protect ourselves from cyber-threats, both during elections and between them?

Mr. Scott Jones: We have a number of things. One is simply configuring when you're using mobile devices. Obviously as members of Parliament you have to travel quite extensively, but in your ridings, etc., we have a number of pieces of advice and guidance on our website. I know that we've actually made them available as well through the House of Commons IT staff. As well, we work really closely with that IT staff in terms of increasing the security you have as parliamentarians using your infrastructure.

There are some simple things that can be done in terms of how you use your IT, how you configure it, and the passwords you set. How do you manage your environment? Who do you give access to for your account? Who do you give access to for your equipment?

Some of that mobile security guidance is one of the pieces of advice that I would encourage everybody to use. It's freely available on the Internet site of CSE. Those are some concrete steps that should be done by everybody.

Mr. David de Burgh Graham: Is your assessment generally that Elections Canada and we as political parties and as politicians are properly understanding the threat you're presenting to them and are reacting appropriately?

Mr. Scott Jones: Elections Canada has reacted very quickly. We started working with them before the 2015 election. That has continued unbroken since. They're very aware of the rapidly evolving environment.

I think one of the issues we have in terms of dealing with individual politicians and political parties is that it's just one of the issues that everybody has to tackle along with everything else they're facing. There's the ongoing, day-to-day business that you all have to face, and cybersecurity is yet another thing on top of that.

How can we work together to make it easy? I think that's one of the key things. That's where we need to really work in society to raise the bar on cybersecurity so that you don't have to do something special. We should all have at least a basic level of cybersecurity by default.

Mr. David de Burgh Graham: Is hacking—or what some people call cracking—of a political party or political system illegal, and is it pursuable in any meaningful way?

Mr. Scott Jones: It's probably best left to the RCMP. Anything that is illegal interference with a computer system or any type of activity would probably qualify, but it's probably best left for my colleagues in the RCMP to address.

Mr. David de Burgh Graham: That's fair.

Earlier, I mentioned social engineering as a big risk. What can you recommend to people to protect against social engineering? All the volunteers in the offices have access to databases and it's pretty easy to convince them, I suspect. Do you have thoughts on that?

Mr. Scott Jones: Yes. With social engineering, I think the thing they're usually taking advantage of is time. How quickly...? You're busy, so they want to catch you off guard and get you to click on something. In social engineering, I'm really talking about them trying to convince you they're somebody they're not, so that you reveal a password, a critical piece of information, or something they need to be able to get into your systems.

One of the key things we always say is that just because somebody has called you and seems to know something, don't trust it. Ask a question or, for example, say what we always say in the banking context, which is that you'll call them back. You say, "Give me a file number and I will look on the back of my credit card and I will call you with the file number." Then I know that at least I've called the right place. That's a simple step, but it's things like that.... Unfortunately, approaching everything with a little bit of suspicion is one of those things that's necessary in the cybersecurity context now.

Mr. David de Burgh Graham: If as a campaign volunteer or candidate I were to suspect that there is something amiss informatically, would I go to you at CSE to find out what is amiss, or if I'm just crazy or it really is a threat that's taking place?

Mr. Scott Jones: I think the thing right now is that it wouldn't be CSE's lead. That would really be the lead of Public Safety Canada and the Canadian Cyber Incident Response Centre, at least in the broader context of a larger piece of infrastructure, but as the Canadian centre for cybersecurity stands up, it would definitely be the cyber centre that would be a place to come to.

In general, though, we'd be looking to leverage some of the other activities going on, such as the Canadian Anti-Fraud Centre and some of the awareness campaigns—for example, "Get Cyber Safe"—to just bolster the level of defence and the general knowledge that's out there.

Mr. David de Burgh Graham: If I told you—and it's slightly off topic, but it's on topic—that the House of Commons once told me that I could only use Internet Explorer on our computers because it's the only browser considered secure, how would you react?

Mr. Scott Jones: I would say that we have to evaluate software constantly in terms of which is the most up to date. The key thing, no matter what you're using, is to ensure that it's up to date and patched. Those are the critical factors.

● (1555)

Mr. David de Burgh Graham: Okay. My connection has been reset, so thank you for that.

The Chair: Thank you, Mr. Graham.

Now we'll go to Mr. Richards.

Mr. Blake Richards (Banff—Airdrie, CPC): Thank you. We appreciate all of you being here today.

I'll start with the Canadian Federation of Students. I'm not sure who wants to answer. Mr. Zachariah could, I guess, but it's up to you. There are a few things I want to touch on.

First of all, I note that you were registered as a third party advocacy group in the last election. I want to first of all get a bit of context on that and then ask you for your thoughts on the changes in this legislation around third parties in terms of how those changes will impact you and whether there's anything more you'd like to see.

I see that you've spent about $15,000 on social media advertising, so I guess I'll back up here. Are you funded through student dues or do you receive donations and contributions? Could you tell me how you're funded for those purposes?

Ms. Justine De Jaegher (Executive Director, Canadian Federation of Students): We're funded 100% by membership dues.

Mr. Blake Richards: Okay. There would be no contributions that would be received from anyone outside those dues?

Ms. Justine De Jaegher: That's right, with I think the exception of when we run our days of action. Sometimes there will be coalition partners who donate in-kind materials, resources, etc.

Mr. Blake Richards: Would you have had any contributions coming from foreign sources?

Ms. Justine De Jaegher: No.

Mr. Blake Richards: Okay. Are you talking about small contributions or would there be any major contributions from different sources?

Ms. Justine De Jaegher: For our election campaign or for a day of action or something like that?

Mr. Blake Richards: Yes, I guess for any purpose.

Ms. Justine De Jaegher: For anything.... I guess it depends on what you consider small or large, but—

Mr. Blake Richards: Let's say over the contribution limit of political parties. That's roughly $1,500.

Ms. Justine De Jaegher: For an election campaign, no. Perhaps for a day of action we would see a bigger donation from a solidarity partner.

Mr. Blake Richards: Okay.

That $15,000 in the last election on social media advertising, what would that consist of? What type of advertising? What would you have done? What would it have been promoting?

Ms. Justine De Jaegher: In the last federal election, we ran a get-out-the-vote campaign, primarily telling students how to vote, what kinds of ID they would need, and where polling stations were located. Oftentimes, there's confusion about which riding they should be voting in. Is it their parents' riding? Is it where they're going to school? A lot of it was informational and just promoting the idea of participating in the system.

Some of it would have been links to our page around issues that our students democratically identified as being important in the election. It was a non-partisan campaign. We don't support any particular party or candidate; however, we did identify through our membership some key issues that students wanted to see talked about in the election.

Mr. Blake Richards: Let me ask about both those things.

First of all, I think this is probably a brief question on the issues part of it. Would that be one of these types of campaigns that you often see from different organizations or groups in terms of "here are the issues that we've identified as important, and here are the different parties' or candidates' stances on those issues"? Would it have gone any further than that to say "we think these parties are recommendable and these parties aren't"? What would that look like?

Ms. Justine De Jaegher: That's right. For both of us, the election was actually before our terms, but I believe a survey was sent out to all political parties on the issues that had been identified, and we published those responses verbatim.

Mr. Blake Richards: Okay. I appreciate that.

On the other part, actually, that drew up something interesting, because it's something that I've argued for in the past and that I think Elections Canada doesn't do a good enough job on, which is to let people know exactly what their options are for voting and how they can vote.

I've even brought up the idea that it's never really promoted that you can vote at almost any point during the election. There are a lot of ways to vote. On the forms of ID that are acceptable, that's another thing that I don't think is promoted well enough. I agree with you on the idea about students and where they vote: is it in the at-home riding or in the school-home riding?

These are all things that I think Elections Canada needs to do a better job of, and obviously you must agree, because you felt there was a need to advertise those things yourselves, which would tell me that you think Elections Canada wasn't doing a sufficient job of that. Would that be accurate?

Ms. Justine De Jaegher: I think Elections Canada worked very well within the parameters it was allowed to operate under in the last election. We would, however, like to see a greater opportunity for us to work with Elections Canada to better promote these kinds of things.

Mr. Blake Richards: Could you clarify what exactly it was that would have prevented them from being able to promote those types of things? I know that in the last changes to the elections law it was clarified that it was supposed to be their role. What prevented them from doing that?

● (1600)

Ms. Justine De Jaegher: Right. I guess that's more in terms of our relationship with them and if we had worked more closely together to promote specific demographics.

Mr. Blake Richards: Okay. I appreciate that you picked up some of the slack there. I certainly hope that they'll do a little better job on this.

To go back to where I was going with that, it was the third party rules. There are obviously some changes in this legislation. I'm sure you're familiar with them. I won't reiterate what they are. What are your thoughts on those changes? Do you think there's something in there that will be of concern to you or will affect you negatively? Are there any other changes that you might suggest?

Ms. Justine De Jaegher: We're generally supportive of the legislation, including those changes. The one area in which we really can't proclaim to be any kind of expert is more on the cybersecurity pieces. Obviously we're glad that you're speaking to experts in that area.

However, other than that, we're quite happy with this legislation. Again, our concern is primarily with the timing. We feel it's a bit late, unfortunately. We were hoping to see Bill C-33 passed much earlier to make sure that it came into effect before the next election.

Mr. Blake Richards: Okay. I have one minute left. I guess that will leave just enough time for the last question, or for this question anyway.

On the legislation itself, obviously it's a large piece of legislation, with I think 401 different clauses, so it touches on a lot of different areas. You've mentioned a couple of things that you're supportive of, and I wish there were time to get into some of those things, but could you give me any sense of any concerns you have? I assume that there must be one or two things that you might have some concerns about or that you think are missing. Outside of the timing, what would you want to share with us in that regard?

Ms. Justine De Jaegher: Again, we really wanted to emphasize that the elements featured in Bill C-33 are again featured in this bill. We're leaving some of the other areas up to other experts that you'll be speaking to.

Mr. Blake Richards: Fair enough. I appreciate your time.

The Chair: Thank you.

Now we'll go on to Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Chair, and thank you to our witnesses for being here today.

The student vote went up by how much?

Mr. Coty Zachariah: It was 18.3%.

Mr. Nathan Cullen: By 18.3%: do you think it was because of the unfair election act, in part? Was it an unintentional motivator, an unintentional gift, to young people to get out and vote when someone said that maybe they shouldn't have the right to vote?

Mr. Coty Zachariah: I think there's long been this kind of theory that young people are apathetic or don't really care to take part in the democratic process, but what we found is that sometimes people are just really confused about the process. That's why we emphasized more information and more access, and we had a lot of success with our on-campus polling stations.

Mr. Nathan Cullen: Just as a parenthetical thing, what kinds of issues do you think drove people? Eighteen per cent is a huge jump under any demographic.

Mr. Coty Zachariah: It's the biggest jump.

Mr. Nathan Cullen: What kinds of issues were students and young people coming back to you folks with and saying "this is why I'm voting this time"? Were there certain issues that presented themselves? One or two or three...?

Mr. Coty Zachariah: Yes. I believe tuition was a huge one. It seems to be going up every year. Young people needed to have their voices heard. We heard that from almost every province.

Mr. Nathan Cullen: Anything else?

Ms. Justine De Jaegher: Youth unemployment was a major issue that was also identified. Among our student parent demographic, child care was identified as a major concern. Then there was our advocacy around the post-secondary student support program. The funding for indigenous learners was also major, I would say.

Mr. Nathan Cullen: Thanks. That's helpful.

To our security friends—I don't get to say that very often—what did you say about the 2015 election? Was it that there was a low-skill threat...?

Mr. Scott Jones: Low-sophistication activity.

Mr. Nathan Cullen: A low-sophistication threat: what does that mean?

Mr. Scott Jones: That would mean the normal use of things, such as low-level denial of service attacks and things like that.

Mr. Nathan Cullen: On party websites, or...?

Mr. Scott Jones: On things like that; they're attempts to deface, usually hacktivist-type activity.

Mr. Nathan Cullen: Were any countries or national governments identified?

Mr. Scott Jones: No, not that we had seen.

Mr. Nathan Cullen: The Government of Canada kicked out four Russian diplomats earlier this year for using their diplomatic status to undermine Canada's security or interfere in our democracy in the 2015 election.

Mr. Scott Jones: There were some pieces outside of the cyber realm. In terms of any further details on that, I'm probably not the right person to talk about it from the cyber perspective.

Mr. Nathan Cullen: Not the right person because...?

Mr. Scott Jones: It's outside my area of expertise and also not an area that we would cover.

● (1605)

Mr. Nathan Cullen: So there were no Russian cyber-attacks that CSEC is aware of.

Mr. Scott Jones: The report said that we didn't see any nation-state cyber type of activity.

Mr. Nathan Cullen: I guess Russia being a nation-state, it would include them.

It's just confusing, because that's a pretty big deal. I saw the news, and I thought, "Holy mackerel, Russia attacked our democracy. We should find out how and not let it happen again." We asked Elections Canada, and they said the same thing you just said. I'd like to find someone—maybe the government can provide a witness—who can tell us exactly what happened so that Canadians are aware.

Now, there are different types of hacks. There are people just looking to cause disorder, but you also mentioned "enthusiasts"? What's an enthusiast?

Mr. Scott Jones: Sometimes an enthusiast is somebody who does it just because they can. They want to show that they can actually achieve something. They can achieve their goal.

Mr. Nathan Cullen: They're not politically motivated, you mean? They're just showing off?

Mr. Scott Jones: It's just that they can do it, yes.

Mr. Nathan Cullen: Right: denial of service stuff, crashing a website—and stealing data?

Mr. Scott Jones: In some cases, absolutely.

Mr. Nathan Cullen: If they hack into Elections Canada, they can get the voter registry. They can get some information, but it's not exactly a gold mine.

Mr. Scott Jones: That's also why we work with Elections Canada to bolster their cyber-defences, so that they are able to deal with those types of activities.

Mr. Nathan Cullen: Do you give political parties advice?

Mr. Scott Jones: We've made the offer to meet with any political party to give advice.

Mr. Nathan Cullen: Do you provide a service to political parties to make their systems protected?

Mr. Scott Jones: Right now it would be limited to kind of architectural advice in terms of how to set up systems and how to—

Mr. Nathan Cullen: You can point at things, but you don't do the thing itself.

Mr. Scott Jones: No. We are limited in terms of providing services.

Mr. Nathan Cullen: Everything can be hacked.

Mr. Scott Jones: Everything can be. Now you can make it hard and very expensive.

Mr. Nathan Cullen: Sure. Do political parties make it hard and very expensive to hack into their systems?

Mr. Scott Jones: I actually don't have the detailed information on how individual political parties—

Mr. Nathan Cullen: Do you ever test our systems?

Mr. Scott Jones: No. That's something that would have to be a direct request. We would probably refer to a commercial service to do that rather than us doing that sort of test.

Mr. Nathan Cullen: To the best of your knowledge, do political parties hire that commercial service or go through you? That's something a private corporation that has sensitive information will do. They will hire someone to hack them and test them.

Mr. Scott Jones: To my knowledge, no, we have never had a request to refer a political party to any service like that.

Mr. Nathan Cullen: The reason that's interesting to me is that in this bill, there's no.... Political parties remain outside of Canadian privacy laws. We're in this unique space, yet the type of information....

Just from a security expert point of view, if you were able to gather information on individuals—voting preference, where they live, petitions they've signed, all sorts of consumer behaviour—that would be an information-rich data source, would it not?

Mr. Scott Jones: I think, as you look at some of the recent activities in terms of some of the things that have come out about social media and trend analysis, etc., that certainly would be the type of data you could use to profile.

Mr. Nathan Cullen: Yes: clicks, behaviour, all sorts of things. That would be a high prize, wouldn't it, for some of these hackers? That would be commercially quite valuable?

Mr. Scott Jones: From the—

Mr. Nathan Cullen: I will tell you an individual's shopping habits. I will tell you their voting habits, individual by individual.

Mr. Scott Jones: All of those types of things have been shown to have a very high commercial value, especially in terms of direct targeting, whether it's for commercial marketing or targeting in terms of social media engagement.

Mr. Nathan Cullen: I assume you've paid some attention to what's happened south of the border.

Mr. Scott Jones: Of course.

Mr. Nathan Cullen: Would Canada be exposed to similar threats? We're not talking about hacking into Elections Canada. We could also talk about misinformation and disinformation and trying to sway an election.

Mr. Scott Jones: Yes. In the report, we actually point out that this is probably where we're more vulnerable. The election itself is quite secure in terms of paper ballots and hand—

Mr. Nathan Cullen: Yes, we're not doing voting machines and we don't vote online, so we don't have any of those threats. We do have significant threats when somebody is able to influence voters by hacking into Mr. Zachariah's and Ms. De Jaegher's system or by influencing young people through misinformation about candidates.

Mr. Scott Jones: Certainly there's misinformation, but there's also the fact that social media is set up such that you don't always know why you're getting information pushed to you, because it's profiled based on other things.

Mr. Nathan Cullen: Right. Under this bill, those social media agents, like Facebook and Twitter, don't have any obligation with regard to ads or misinformation posted on their sites. I would point to our two friends from CFS and say that many young people, like many Canadians, get the large majority of their news and information from social media. Is that fair to say? I don't want to generalize.

● (1610)

Ms. Justine De Jaegher: Yes.

Mr. Coty Zachariah: That's fair.

Mr. Nathan Cullen: We have all sorts of rules about the print media with respect to ads, influence, and donations, and we have almost none in this bill pertaining to social media. I said this earlier today, but are we fighting the last war as opposed to the next one?

Mr. Scott Jones: I think in general, social media is one of those things that are very hard to figure out how to deal with.

Mr. Nathan Cullen: Are we doing enough?

Mr. Scott Jones: One of the things we're trying to do is to increase awareness so that people at least question why they're seeing something and to make people aware that they're not necessarily seeing what they expect; they're seeing what's being pushed to them for other reasons. It's not a neutral feed of data.

Mr. Nathan Cullen: No, it's not.

That's great. Thank you.

The Chair: Thank you very much.

We'll go on now to Ms. Sahota.

Ms. Ruby Sahota (Brampton North, Lib.): Thank you.

My initial questions are for the Canadian Federation of Students, whoever would like to answer.

I know that your executive director, Bilan Arte, has gone on record before to call the Fair Elections Act, Bill C-23, an insult to Canadian youth and a form of voter suppression. Why did you feel that way about Bill C-23, referred to by your organization as the "unfair elections act"?

Ms. Justine De Jaegher: That was our previous executive director, Toby Whitfield, but we still maintain that position, of course.

Primarily, we felt that the changes made through the act would influence already marginalized populations, and there was research to bear this out in terms of, for example, homeless populations and populations that move frequently, students being one of them.

We found that for students in particular, who oftentimes live in homes, for example, with five, six, or seven roommates in some cases, it's tricky. The line we were often given was that we just had to bring a utility bill with our name on it. When you're living in that kind of situation—and many students are—whose name is on the utility bill or on any form of identification? It becomes extremely complicated, and at times it becomes so complicated that students will just give up. That's why the voter identification card was a useful means for students to access their vote, essentially.

Ms. Ruby Sahota: How many students do you think may have been impacted by the taking away of voter information cards?

Ms. Justine De Jaegher: We don't have hard data on that on our end, obviously, although I do think the statistics Coty cited from the Chief Electoral Officer's report after the election are useful. We could extrapolate from those youth voter figures the degree to which post-secondary students of that group factored in.

Ms. Ruby Sahota: The legislation we're studying right now, Bill C-76, reverses that and brings back the voter information card. Do you think more students would be likely to go out to polls if they were able to use that as one of their pieces of identification?

Ms. Justine De Jaegher: We do. We think the fewer the burdens placed on students in terms of accessing that vote, the more likely they are to do it.

Ms. Ruby Sahota: Another concern your executive director had at that time was with respect to the removal of the commissioner from Elections Canada. Why was that a concern? That's something that has been reversed now, too.

Ms. Justine De Jaegher: That was just essentially, I believe, more oversight, and allowing for more of that. Also, I know there were concerns raised about our work with Elections Canada, trying to facilitate rather than hinder that. To my understanding, that's where this was coming from.

Ms. Ruby Sahota: Okay.

Engagement is also a big piece of this legislation, and that, I think, is mainly what your organization does as well. The role of Elections Canada will now be re-expanded, I guess, back to being able to educate, as one piece, and being able to inform people on more than just where they can vote but also on the importance of voting, with more information around voting.

Why do you see that as being important, if you do, and how do you think your organization can work with Elections Canada to engage more voters in the future?

Ms. Justine De Jaegher: We're strong advocates of encouraging greater democracy for everyone. We think that should be the goal, so we think the reforms proposed are positive. We already do work with Elections Canada, in what capacity we can, in terms of testing new voting systems. We have participated in tests around an expanded on-campus polling station program with Elections Canada. That was very successful, so I imagine that relationship would continue to be positive.

Ms. Ruby Sahota: I know that you're registered as a third party with Elections Canada. You spent almost $29,000, or a little short of that, in the last election. What type of activities did you engage in to spend that money?

● (1615)

Ms. Justine De Jaegher: I believe that was primarily spent on social media advertising—YouTube, Facebook, Twitter, etc.—around information on how to vote and the issues that students felt it was important to consider in this election. It was primarily that, but it was also materials, such as printing. We did a lot of on-the-ground outreach with our members on campus. It was probably those two areas.

Ms. Ruby Sahota: What kind of information do you disseminate in those print materials? Do you support a certain political party, or do you consider it to be more information as to where the parties stand on issues?

Ms. Justine De Jaegher: It's the latter. Again, I believe we sent out a survey to all parties to provide their responses to questions on the student issues we had identified as being important to our members. Then we did publish those responses, I believe verbatim, on our website, with a link to them on the print materials and the social media materials. The materials were a mix of information on how to vote, what you need in terms of ID, the importance of voting, and the issues that students had identified as being important. They were not identifying a particular party to support.

Ms. Ruby Sahota: Earlier you said that your financing comes mainly from dues. How much are your dues, and who are the students who have become members? Are they university, college, high school...?

Ms. Justine De Jaegher: They are part-time and full-time college and university students from across the country. There are about 650,000 of them in member locals. Student unions are certified as members with the CFS through a referendum process. Student dues vary slightly from province to province, based on CPI increases and things like that, but it's approximately $16 per year per student.

Ms. Ruby Sahota: Do I have any more time, Mr. Chair?

The Chair: You have 30 seconds.

Ms. Ruby Sahota: Okay.

Thank you so much for being here and for engaging students. You guys do a lot of great work. I'm glad to hear that the count for student voters, young voters, went up last election. Hopefully, we can keep that up.

The Chair: Thank you very much, Ms. Sahota.

Now we will go on to Mr. Falk.

Welcome to the most exciting committee on the Hill.

Mr. Ted Falk (Provencher, CPC): Good. Well, thank you very much, Mr. Chairman.

Thank you to our witnesses for attending committee today. Your interventions have been interesting and informative, so thank you.

Mr. Jones and Mr. Besner, I would like to start with you. In the work you do, when it comes to cybersecurity and investigating threats or breaches of security, do you do that proactively or do you respond to reports?

Mr. Scott Jones: It's a mix of both. We strive to always be proactive, really look at what a malicious cyber-actor would be doing, and try to get ahead of the threat. Especially in our defence of the Government of Canada, we've invested really heavily in proactive defence, taking action to thwart the activity before it is a costly breach, that type of thing. Unfortunately, though, with the dynamics of cybersecurity and the cyber-threats that are out there, threats sometimes evolve very quickly and do get through, so we have to respond to events as well. We work to minimize that. Every time there's an event, we also try to learn and apply defences so that it can't happen again that same way.

So it's a mix of the two.

Mr. Ted Falk: You identified different groups. You called them enthusiasts, and there were others. What are the primary sources of your threats?

Mr. Scott Jones: It's a broad mix of everything from very sophisticated nation-state activity typically targeting the government for espionage types of things, all the way down to hacktivists or enthusiasts, but in between you have cybercriminals.

Cybercrime is growing on the Internet and is increasingly sophisticated and very hard to detect, and there's a lot of money to be made. Because of its pan-global approach, it's also hard to track it all down. Cybercrime is growing.

You do see some terrorist use of the Internet, mostly for propaganda and recruiting types of things, and for fundraising, not necessarily in the cyber-attack sphere. Then you have hacktivists and enthusiasts.

Jason, did that cover it?

Mr. Jason Besner (Director, Cyber Threat Evaluation Centre, Information Technology Security, Communications Security Establishment): Yes, you covered it.

Mr. Ted Falk: Are there algorithms you use or programs you've developed that assist you in the work you do?

Mr. Scott Jones: We use a wide variety of things. Last year, we actually open-sourced some of our cyber-defence tools to share with the cybercommunity in Canada as part of our approach to try to grow the Canadian ecosystem. That was our program called "Assembly-line".

In addition, certainly we use a lot of algorithmic work in terms of machine learning and some artificial intelligence: anything that can automate the repetitive work of my analysts so that they can concentrate on the new threats, the emerging threats. Our goal is to understand it, automate it, automate defences, and then move forward so that our analysts can be freed up.

● (1620)

Mr. Ted Falk: When you've identified a threat, what would be your course of action?

Mr. Scott Jones: It depends on the nature of the system. If it's the Government of Canada, we take immediate action to block, to defend, and to stop that threat from having any impact. At the same time, we would also be releasing that information publicly, right now through the Canadian Cyber Incident Response Centre at Public Safety Canada. Indicators of compromise are something that we would provide to the general security community.

Also, depending on the nature of the threat, it might be more effective for us to engage with some of our industry partners. That could be anti-virus vendors. The real goal is to get whatever we're seeing hit us into a sphere where it can defend all of us. It's about sharing that information widely, sharing the approach, and sharing what we've learned. It would be along those lines.

Mr. Ted Falk: Were you going to add something, Mr. Besner?

Mr. Jason Besner: No. I think Mr. Jones has covered it.

The idea is to deal with the volume that is coming at us and to make sure that our defences are working 24 hours a day. The primary purpose is to deal with the threat, then automate and have those defences running 24 hours a day, and then share with others to use as force multipliers to defend all Canadians.

Mr. Ted Falk: Recently we were advised to reboot our routers. Is that something you were involved in at all?

Mr. Scott Jones: That would be an example of something that we would have contributed to. The public advice would have come through Public Safety Canada at this time, as they're the lead, but certainly we would work with our international partners as we see malicious activity—something that looks like it's systemic. We try to give simple approaches for people to actually make themselves more cyber-secure. That's an example of something that would be important.

Mr. Ted Falk: In your presentation, you identified that sophistication levels were fairly low in the last election. How about in terms of intensity levels?

Mr. Scott Jones: From our observation point, we could see that it was also fairly low, but it continued. We would expect to see that ramping up as we approach the next election. The fact is that these tools are in the reach of pretty much anybody. The issue with cybersecurity and cyber-tools is that they are quite cheap and easy to access, so for us it's really about having to raise that resilience bar faster than the adversaries are able to engage new tools and new techniques against us.

The Chair: Thank you very much.

We'll go to Ms. Tassi.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thank you for your presence here today.

My question is directed to the Canadian Federation of Students and whoever feels more comfortable with it.

First, I want to thank you for your advocacy and great work. I am very committed to engaging youth not only in the electoral process but in everything in life, because I think they are one of the greatest untapped resources.

Let me begin by asking whether in your advocacy you see anything that's unique to students, that's different for youth generally. Are there concerns you have with respect to students that you would raise as obstacles or other things, and that don't relate to other youth, or do you think the group is combined?

Ms. Justine De Jaegher: Do you mean pertaining to elections specifically?

Ms. Filomena Tassi: Yes.

Ms. Justine De Jaegher: Yes, there are a few different things. One major thing is the proportion of students who live in on-campus residences. Proving one's address can be a bit trickier for students living on campus, we've found when we've spoken to those students, given the frequency with which they will move on and off campus. Oftentimes, they have to seek out a formal letter of residence confirmation in order to take that to the polls. A lot of students aren't aware that's available, and some residence offices aren't aware that they should issue them. There's kind of an extra layer of bureaucracy created there, so I think on-campus students would definitely be one example.

I also think we have a growing population of international students in Canada, which is great, but having people trying to determine at what point they're eligible to vote in a Canadian election, what residence status they require, and things like that pertaining to their student visa sometimes adds layers of confusion as well.

Ms. Filomena Tassi: Okay. That's excellent.

I have three post-secondary institutions in my riding as well, and so this issue comes up over and over again.

The response we have heard, potentially—it's out there—is that there are over 80 pieces of identification that can be accepted. You don't really need the VIC card, because there are 80 plus pieces of other identification.

So, other than a driver's licence, which has an address on it, or the confirmation from—what department gives it in universities?—the registrar's office or whatever—

● (1625)

Ms. Justine De Jaegher: It's from housing or residence—

Ms. Filomena Tassi: It's housing. Okay.

Other than those two pieces of identification that specifically have addresses, is there anything else that a student in residence is going to have that could suffice for ID?

Ms. Justine De Jaegher: There could be some examples, but not generally speaking.

Ms. Filomena Tassi: They're few and far between.

Ms. Justine De Jaegher: That's right.

Ms. Filomena Tassi: So, that's the problem.

Ms. Justine De Jaegher: That's the issue, yes.

If students have those pieces of ID at all, they would be very inconsistent. They're not going to have utility bills in the same way. They might have a phone bill but it's quite unlikely that that's going to be addressed to their temporary residence in housing.

Ms. Filomena Tassi: Exactly. Okay.

Mr. Cullen asked the question, but I wasn't clear on the answer. With regard to the increase in the last election—there was an amazing increase, and we're very happy about that—other than crediting yourselves, perhaps, with the work, what would you say were the contributing factors to that increase?

Ms. Justine De Jaegher: I do think that students felt particularly mobilized in the last election. I do think that our advocacy work had a big part in that, but also students just identified a number of issues on which they wanted to see political action, and made that known.

We definitely did redouble our efforts to ensure that students were heading to the polls, and we'll be doing that again in 2019.

Ms. Filomena Tassi: That's excellent. That's awesome.

A previous witness here today talked about the importance of student engagement at a very young age,. The idea was that the research showed that if you engage students at a younger age, it's habit-forming and they will be more likely to vote in the future, and if you don't engage them in the process, then they will perhaps be less likely.

Does your experience, with the advocacy you've carried out, support that finding?

Mr. Coty Zachariah: Yes. I would say so.

We believe that people who are informed at a younger age are more likely to get involved at a younger age. People who have voted in their first year tend to vote throughout their provincial and federal elections as well. We just really believe that informed voters tend to take part in the process.

Ms. Filomena Tassi: There are a number of initiatives included in Bill C-76, including the CEO's mandate to educate, the national voter's registration, and the dropping of the age to hire students. I take it that you are very supportive of all of those initiatives.

With respect to the court case, if in fact Bill C-76 were to become law tomorrow, would you be dropping that court case? Is everything that you are fighting for in your court case contained in Bill C-76?

Ms. Justine De Jaegher: To my understanding, it is. I would confer with our lawyers in that event. However, our concern with the court case, unfortunately again, is more one of timing. We're fairly concerned that by the time this legislation would be implemented, it might not be fully implemented by Elections Canada for the next election, whereas a court ruling—unfortunately, because it's not the route we'd want to go down—might push that deadline up, and at this point, we just want more students and more people, generally, to have access to the vote.

Ms. Filomena Tassi: I appreciate the timing piece—I get that—but your remedy is contained in Bill C-76. That's the answer.

Ms. Justine De Jaegher: That is our understanding, yes.

The Chair: Thank you very much for appearing. We really appreciate it. This is very interesting and helpful information.

I would ask that we change witnesses quickly because I think there are a lot of questions for the next witness, so we'll get started as quickly as we can.

We'll suspend for a minute.

● _____ (Pause) _____

●

● (1630)

The Chair: I think we'll get started.

Good afternoon, and welcome back to meeting number 111 of the Standing Committee on Procedure and House Affairs.

For our second hour this afternoon, we are pleased to have with us Daniel Therrien, Privacy Commissioner of Canada. He is accompanied by Barbara Bucknell, Director of Policy, Parliamentary Affairs and Research; and Regan Morris, Legal Counsel.

Also appearing on this panel is Colonel Vihar Joshi, Deputy Judge Advocate General, Administrative Law, from the Canadian Forces.

Thank you all for coming today. I know there is great interest in your appearance, so I'm sure it will be a very interesting session.

Maybe we will start with Mr. Therrien.

Mr. Daniel Therrien (Privacy Commissioner of Canada, Office of the Privacy Commissioner of Canada): Thank you, Mr. Chair.

[*Translation*]

Good afternoon. I would like to thank the committee for the invitation today to discuss the privacy implications of Bill C-76.

As you are well aware, citizens' concerns have been voiced globally around how their personal information is being gathered from online platforms and used in the political process. Allegations about the misuse of the personal information of 87 million Facebook users are a serious wake-up call that highlights a growing crisis for privacy rights. Not only is consumer trust at risk, so too is trust in our democratic processes.

As you know, no federal privacy law applies to political parties; British Columbia is the only province to cover them. This is not the case in many other jurisdictions. In most regions of the world, laws provide that political parties are governed by privacy laws. This includes jurisdictions such as the E.U., the U.K., New Zealand, Argentina, and Hong Kong. Canada is becoming the exception.

● (1635)

[*English*]

We recently reviewed the privacy policies of political parties. While these policies have some positive features—for instance, all make provisions for people to update personal information or correct details that are out of date—they all fall way short of globally accepted fair information principles.

Similarly, the standards alluded to in clause 254 of Bill C-76 also fall short. In fact, Bill C-76 does not prescribe any standards. It simply says that parties must have policies that touch on a number of issues, leaving it to parties to define the standards that they want to apply. In terms of privacy protection, Bill C-76 adds nothing of substance.

For instance, the bill does not require parties to seek consent from individuals, limit collection of personal information to what is required, limit disclosure of information to others, provide individuals with access to their personal information, or be subject to independent privacy oversight.

By contrast, in British Columbia, parties must apply all generally applicable privacy principles, and B.C. otherwise has very similar legislation to the federal legislation. In B.C., consent applies, but it is subject to other laws, such that consent is not required for the transmission of lists of electors under electoral laws.

I've heard much support, including from federal politicians, for the idea that political parties should be subject to privacy laws. The government, meanwhile, appears to think that political parties are not similarly situated to private companies as they relate to privacy.

For instance, ministers seem concerned that applying privacy laws would impede communications between parties and electors. This is an interesting proposition, but I have not yet seen any evidence to that effect. That evidence may exist, but it has not been presented for public discussion.

I would note that in Europe, however, political parties have been subject to privacy laws for over 20 years. I understand that such protections have now become part of the culture of how elections are run.

What we know at the end of the day is that democracy appears to still thrive in those jurisdictions where parties must comply with privacy laws.

[*Translation*]

The precise law where privacy rules should be found does not much matter. It could be the Elections Act, the Personal Information Protection and Electronic Documents Act, PIPEDA—in other words, an act governing privacy protection in the private sector—or another act.

What matters are that internationally recognized privacy principles, not policies defined by parties, be included in domestic law and that an independent third party, potentially my office as we have expertise, have the authority to verify compliance.

Independent oversight is necessary to ensure that privacy policies or principles are not just empty promises but actual safeguards applied in practice.

Together with Elections Canada, we have developed amendments that would achieve these goals. We provided these suggestions to the committee today. If you wish, I can explain them during the question period.

In conclusion, the integrity of our democratic processes is clearly facing significant risks. If there ever was a time for action, this is it.

I welcome your questions.

Thank you.

[*English*]

The Chair: Thank you very much. That's very helpful.

Now, we'll have Colonel Joshi.

Colonel Vihar Joshi (Deputy Judge Advocate General, Administrative Law, Canadian Forces): Thank you.

Mr. Chair, I'd just like to thank the committee for the opportunity I've been given to speak to you about Bill C-76 and its positive impact on members of the Canadian Armed Forces.

I am Colonel Vihar Joshi. I'm the Deputy Judge Advocate General, who is responsible for the Administrative Law Division of the office of the JAG and I'm the coordinating officer designated by the Minister of National Defence for the purposes of section 199 of the Canada Elections Act.

I'll first make a few opening remarks and then I will gladly answer any questions the committee may have.

The special voting rules, presently set out in division 2 of part 11 of the Canada Elections Act, were developed at the end of the 1950s and have undergone very few significant changes since then.

Currently, Canadian Forces electors must complete the statement of ordinary residence upon enrolment and maintain it for election purposes. Exceptionally, the statement of ordinary residence allows these voters to choose the electoral district in which they will vote during federal elections. For example, they may choose to vote in the riding in which they were living when they enrolled, the riding in which they currently reside because of their military service, or a riding in which a loved one lives and with whom they would be living, if not for their military service.

However, once an election is called, members can no longer modify this address during the election period.

Canadian Forces electors who wish to exercise their right to vote must do so within their unit during the military voting period, which is between 14 and nine days prior to the civilian election day. When they vote in a unit, Canadian Forces electors are not subject to any identification requirements. Only the few members who qualify may exceptionally vote at a civilian polling station and may only do so on polling day.

In the most recent federal general election, the participation rate of Canadian Forces electors was significantly lower than that of the general population. There are certain factors that may explain this.

● (1640)

[*Translation*]

In his report entitled "An Electoral Framework for the 21st Century: Recommendations from the Chief Electoral Officer of Canada Following the 42nd General Election", the Chief Electoral Officer of Canada recommended a complete review of the special voting rules that apply to Canadian Forces electors. Mr. Chair, I understand that the members of the committee unanimously supported such a review.

Over the past two years, we have been working hard to review the provisions of the Canada Elections Act that affect Canadian Forces electors.

The aim of the amendments to Bill C-76 that are of interest to us is to make the federal electoral system more accessible to members of the Canadian Armed Forces. These amendments also help to ensure the integrity of the vote and maintain the flexibility the Canadian Armed Forces require as they operate around the globe in a broad range of security and operational contexts.

Mr. Chair, before taking questions from committee members, I would like to draw your attention to certain key amendments Bill C-76 makes to the special voting rules that apply to Canadian Forces electors.

First, the bill eliminates the statement of ordinary residence, or SOR, procedure. This measure will allow our members to register on the National Register of Electors, as all other Canadians do, and to update their registration during the election period. In so doing, Canadian Forces electors will be required to register in the riding of their ordinary place of residence or, if they reside outside Canada, their last ordinary place of residence before leaving the country. This change will allow our members to vote in the same riding as their loved ones, in addition to preventing certain Canadian Forces electors from having to vote in a riding to which they no longer have a connection.

The bill also eliminates the obligation for Canadian Forces electors to vote within their unit. Our members may now choose to exercise their right to vote by using the voting method that best meets their needs.

As all other voters, they will be able to vote at advanced polling stations, at polling stations on polling day, at the offices of returning officers across Canada, or by mail from Canada or abroad. When they choose to vote elsewhere than at their unit, members of the Canadian Armed Forces will be subject to the same identification rules as other voters, including proof of residence.

The bill does, however, maintain the possibility for full-time members of the Canadian Armed Forces to vote within their unit, whether in Canada or abroad. Bill C-76 will also allow our part-time members to benefit from this opportunity, which is currently not an option for them.

● (1645)

[*English*]

At the military polling stations, Canadian Forces electors will now be subject to new, clear, and consistent identification rules. Using identification documents issued by the Canadian Armed Forces, they will be required to prove their name and service number in order to receive their voting ballot. Our members who are participating in operations or exercises in Canada or abroad, on land or at sea, generally cannot bring documents that show their residential address with them. This security measure aims to ensure the protection of our members and their families. As a result, Canadian Forces electors voting within their unit will not be required to provide proof of address. They will, however, be required to declare that they are voting in the riding where their ordinary place of residence is located. Any misrepresentation may be subject to an investigation and could lead to charges before civil or military tribunals.

The bill also allows for a more fluid exchange of information between Elections Canada and the Canadian Armed Forces. These exchanges will lead to increased integrity of the vote, in particular by ensuring that the names of Canadian Forces electors voting at military polling stations are removed from the list of electors used at civilian polling stations.

Lastly, I would like to draw the committee's attention to one more significant legislative modification. Many civilians accompany the Canadian Armed Forces abroad: for example, foreign service officers, members of the Royal Canadian Mounted Police, civil support staff for the Canadian Armed Forces, and dependants of these individuals and our members. Currently, these civilians could have difficulty exercising their right to vote by mail from abroad, in particular because of restrictions related to postal service in certain areas of the world. Bill C-76 would correct this imbalance by giving a clear mandate to the Canadian Armed Forces and Elections Canada, which must work together to help these electors exercise their right to vote.

To conclude, members of the Canadian Armed Forces demonstrate courage, determination, and resilience in their service to Canada. They do this in Canada and abroad. The Canadian Armed Forces is therefore enthusiastic about this Parliament's modernizing the provisions in the Canada Elections Act that affect the Canadian Forces electors.

I would be glad to answer any questions you might have.

The Chair: Okay. Thank you very much to the witnesses for the very helpful things we are listening to.

Nathan, because you have to slip out, through the generosity of the other parties you may go first.

Mr. Nathan Cullen: Thank you, Chair. I had only asked my Conservative colleagues, but I appreciate it from the Liberals as well.

First, Colonel Joshi, thank you very much for your testimony. There's nothing in what you've said, nor in Bill C-76 as it pertains to our women and men serving overseas, that we object to. I'm glad these reforms have come about. I'm going to devote much of my questioning to Mr. Therrien. Don't take any offence. It's hard to ask questions of someone when you're agreeing with them a lot.

It's not that I disagree with what you said, Mr. Therrien, but there are some things in this bill that cause concern, and that's what I would hope to get at.

To clarify, in Europe, for 20 years, political parties have been subjected to some privacy provisions and some limitations.

Mr. Daniel Therrien: Yes. Essentially under the 1995 directive adopted by the European Union, political parties are subject to that directive in the same way as private corporations are.

Mr. Nathan Cullen: They are in the same way that crown corporations are?

● (1650)

Mr. Daniel Therrien: It's corporate organizations, companies.

Mr. Nathan Cullen: Oh, it's not crown corporations but companies. Okay. That's interesting.

Would you or your office now or later—and later couldn't be too much later, because this bill is under some urgency, obviously—provide us with any information as to what the impact has been on those political parties? Has there been an inability to perform their function and their aspirations as political entities?

That's been one of the worries, that there could be some sort of politically motivated bad behaviour by people trying to slow political parties down if we were subjected to similar rules.

Mr. Daniel Therrien: We can do that more fully, but I will say that our colleagues in the U.K., as well as in the province of British Columbia, who have similar legislation and have had it for some time and who have been in discussion obviously with political parties on the application of privacy laws, are not hearing many, if any concerns, from political parties that their work—the work of parties—is impeded by being subjected to privacy laws.

Mr. Nathan Cullen: I assume that the last election in B.C., then, was run under these provisions?

Mr. Daniel Therrien: Yes.

Mr. Nathan Cullen: It's interesting. I engage with all three political parties in the legislature and I've never heard anyone raise with me anything about just running the election and trying to contact voters.

Mr. Daniel Therrien: That's what we are told by our colleagues, that the situation is that parties are not raising concerns.

Mr. Nathan Cullen: So when we're asking the security experts how secure our data systems are within the parties, would it be fair to say that political parties—certainly ambitious ones, certainly ones that use a lot of social media and mine data from social media—gain access to a fair amount of specific information about individual Canadians. Is that a fair...?

Mr. Daniel Therrien: Yes.

Mr. Nathan Cullen: If that information were ever acquired illegally, not only in terms of misinforming voters, disinforming voters about elections, or trying to sway voters but also the actual gaining of that type of detailed information about individual Canadians, we heard from our security experts that it would have significant commercial value.

Let's take it outside politics and look at the commercial aspect. Being able to hack into a political party's database and achieve the information they have acquired over time about individuals would be of high commercial value, our security experts told us today.

Is that a concern to you, as Privacy Commissioner?

Mr. Daniel Therrien: Yes, this information is of high commercial value, but beyond being of commercial value, it is sensitive information. Political opinions of individuals are sensitive personal information, deserving of even higher privacy protection than other types of personal information.

Mr. Nathan Cullen: That personal political information....

Mr. Daniel Therrien: Yes.

Mr. Nathan Cullen: So if someone goes on my Facebook account or the Prime Minister's Facebook account and clicks "like", engages through social media, or retweets, we've learned over time that that information can be harvested, mined.

If Canadians knew that the information—their opinions about sensitive issues, environmental issues, abortion issues, or any of those types of opinions—could be gathered and collected by political parties—and is collected by political parties—and that the information was then vulnerable to exposure, what do you think the effect would be on Canadians? You're a privacy expert. What effect does that have?

Mr. Daniel Therrien: I think trust in the electoral system and in the work of political parties would be affected if electors knew that this information was vulnerable to further disclosure.

Mr. Nathan Cullen: What do you mean by "affected"? That's a very neutral term. It could be affected positively.

Mr. Daniel Therrien: I mean negatively affected.

Mr. Nathan Cullen: Okay.

So the conditions you talked about—the rights that we talk about that individuals should have—are around issues like consent, disclosure, access to the information that's been gathered about them, independent oversight, and a limit on the types of information that parties would be able to gather on Canadians.

Have I summarized your list?

Mr. Daniel Therrien: It's a good summary.

There are 10 generally recognized privacy principles internationally, and you have mentioned about half of them.

Mr. Nathan Cullen: Right.

I'm quoting you. You said there is "nothing of substance" in Bill C-76 to raise the bar in terms of privacy for Canadians.

Mr. Daniel Therrien: The reason I am saying that is that parties have privacy policies currently. All the bill does is to give some publicity to existing privacy policies, and there is nothing in the bill to require any particular content in these privacy policies. So for these reasons, I don't see any enhancements.

● (1655)

Mr. Nathan Cullen: Right. The minister came to committee and said that if parties don't disclose what their policy is....

The policy can say nothing, really. The bill doesn't tell parties what to do about privacy. It just says to tell Canadians somewhere on your website; then the penalty is that we could bar you from elections.

Mr. Daniel Therrien: Yes, but policies are public already, without this bill.

Mr. Nathan Cullen: So it's status quo.

Mr. Daniel Therrien: It is the status quo.

Mr. Nathan Cullen: It's the status quo.

Mr. Daniel Therrien: Yes.

Mr. Nathan Cullen: Okay.

With all the threats we've talked about at this committee, with the new powers that big data and social media now have over our elections and influencing our voters, from a privacy perspective why do we need to do this bill?

Mr. Daniel Therrien: Well, we worked with our colleagues at Elections Canada to suggest certain amendments that I believe are before you.

To summarize, the amendments we recommend are that policies not just be policies defined by political parties. Policies have to be consistent with internationally recognized principles. That's the first point.

The second point is whether or not there should be an obligation for parties to actually comply with the policies—

Mr. Nathan Cullen: Who's going to have oversight over that?

Mr. Daniel Therrien: —and then there needs to be independent oversight. This means that individuals should, in our view, be able to file a complaint with our office, where we would investigate.

Mr. Nathan Cullen: To not do this—just to circle back to something you said—would erode the trust in our electoral process.

Mr. Daniel Therrien: I think so, for the reason that there are no substantive rules currently that prevent parties from using information for any and all purposes. I do not think that is aligned with the wishes and desires of the population.

Mr. Nathan Cullen: Thank you, Chair.

Thank you, committee members, for switching the order.

The Chair: Thank you very much.

Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you so much, Mr. Chair.

Are there significant differences between PIPEDA and the B.C. privacy legislation?

Mr. Daniel Therrien: Other than what we are talking about in terms of the principles applying to the institutions subject to these laws, no, there are no meaningful differences.

Mr. Chris Bittle: In PIPEDA, currently non-profit organizations are exempt. Is that correct?

Mr. Daniel Therrien: That's correct.

Mr. Chris Bittle: Why is that?

Mr. Daniel Therrien: They do not engage in commercial activities.

Mr. Chris Bittle: Do political parties engage in commercial activities?

Mr. Daniel Therrien: In the main, political parties are not engaged in commercial activities, so in that regard they are similarly situated to non-profit organizations. The point is that by and large, companies and commercial organizations in terms of the private sector and government departments in the public sector are subject to privacy laws. There are very few exceptions. Political parties currently are among the very few exceptions.

Mr. Chris Bittle: For the sake of clarity, though, you can confirm that commercial organizations like Facebook and Twitter would be required to comply.

Mr. Daniel Therrien: With PIPEDA, yes.

Mr. Chris Bittle: Yes. Thank you so much.

Colonel, I think we heard in your testimony—if not, I apologize—that the voter turnout for armed forces members is much lower. To my understanding, it's 45%. Do you think the changes in Bill C-76 will have an impact on voter turnout?

Col Vihar Joshi: That is the intent. By giving more voter opportunities, if you will, people will be able to avail themselves of their right to vote, and we will see higher levels of participation.

Mr. Chris Bittle: Were the armed forces consulted by the department in terms of this bill?

Col Vihar Joshi: We were. As I spoke about earlier, in the report that was tabled, this committee agreed to a revision of the special voting rules portion. In that context, we were consulted by Elections Canada in looking at the amendments.

● (1700)

Mr. Chris Bittle: Are there any numbers with respect to civilians and members of the RCMP who were with Canadian Forces abroad? Were there any numbers to go along with that or is that outside your...?

Col Vihar Joshi: I can get those numbers if you wish. For some of them we would not necessarily have all the numbers, but for teachers and assistants outside Canada we can certainly get those numbers. It's not that high. It's a very small group of individuals at this time.

Mr. Chris Bittle: They do face significant obstacles in voting?

Col Vihar Joshi: They could, yes.

Mr. Chris Bittle: I'll go back to you, Monsieur Therrien.

One of the issues I talked about—and you've suggested that there's no evidence to suggest that—is that in privacy principles there is a requirement that if you, the individual, ask "what information do you have about me?", the organization is to then provide that information. What's to stop a coordinated campaign by supporters of one political party to overwhelm another political party?

Political parties don't necessarily have enormous staffs like a corporation may, and it's a type of organization that is completely different from a commercial activity. What would stop that type of behaviour?

Mr. Daniel Therrien: I suppose nothing would stop that behaviour, but I would say that this question of the right of access by individuals to what institutions have on them is near the top of the privacy safeguards under privacy principles.

It all starts with individuals knowing what companies and, as we are suggesting with our Elections Canada colleagues, parties have on them. How can individuals protect their sensitive personal information held by parties if they do not know what parties have about them? This is a pretty fundamental part of privacy protection.

Mr. Chris Bittle: I appreciate that it's a fundamental part of that, but when you're dealing with a different type of organization, where there can be individuals significantly motivated to engage in this type of behaviour that other corporate entities don't face, that's something that has to be taken into consideration, doesn't it?

Mr. Daniel Therrien: It has not been the experience in jurisdictions where parties are subject to privacy laws, but I—

Mr. Chris Bittle: I can appreciate that, but if we're talking about.... We've talked about Facebook, Twitter, social media and the ability to organize this type of activity, with bots and whatnot. Perhaps the fact that it hasn't happened in the past doesn't mean that it won't happen going forward, because the technology is ever advancing. In terms of an individual being able to set up a site to send out the requests, it's just a matter of typing it in. Again, the possibility does exist that this could be used as a type of political weapon against another political party.

Mr. Daniel Therrien: Let's assume that is a possibility. You as a committee can adopt amendments to protect parties from that possibility, which is a finite situation. In terms of principles, I would say on what principle basis would parties say "no" to an individual who wants to know what the party has about them?

Mr. Chris Bittle: It seems I'm out of time. Thank you.

The Chair: Thank you very much.

We'll go on to Tom now.

Mr. Tom Kmiec (Calgary Shepard, CPC): Thank you, Mr. Chair.

I was going to ask you questions about the British Columbia experience, Mr. Therrien, you and those with you here today, but I want to continue on with something that Mr. Bittle said about commercial activity.

La Presse, with one of the biggest Quebec newspaper storied histories, has announced that it's converting into a charitable, not-for-profit organization. I want to hear from you if that will then make them exempt. Are they still undertaking commercial activity despite the status that they might take on in the structure of their organization? How would you view that?

I sit on the finance committee. There's talk in the federal budget about allowing all newspapers to convert themselves into not-for-profits. It's a difficult industry to be in right now. There have been a lot of layoffs. They're pressured by it. The activity they undertake is still considered commercial activity: it's the collection and distribution of information. Is this something that you feel would continue to be covered by PIPEDA in how they behave? Or would they then not be obliged to...?

● (1705)

Mr. Daniel Therrien: I'll turn the question over to my colleagues in a second, but the first thing to mention is that *La Presse*would be governed by Quebec provincial legislation rather than by PIPEDA federally, but, of course, the situation could be the same in a province without provincial privacy legislation. It's an interesting question.

Regan, do you have an answer for that?

Mr. Regan Morris (Legal Counsel, Office of the Privacy Commissioner of Canada): Well, keep in mind that PIPEDA and substantially similar legislation in the provinces exempts journalistic activities from the application of PIPEDA, so that would apply to *La Presse* with respect to their collection, use, and disclosure of information for journalistic purposes. With regard to the extent to which a news structure would continue to engage in commercial activity, I think we would need to know more about the details of how that structure would operate.

Mr. Tom Kmiec: Just as a side question on something that piqued my interest, can you explain a little about how the law works in British Columbia? You referred to that in your speaking notes, so I'd like to understand. Are there audits done at some point on how the privacy rules are working in the political parties? Do they have to disclose? Have there been complaints? Anything would be useful.

Mr. Daniel Therrien: You need to start with the fact that under B. C. legislation, the term "organization" is defined more broadly than it is federally, so the distinction we've been discussing between commercial organizations and other types of organizations is irrelevant in British Columbia. The provincial privacy legislation applies to all organizations, and that's why in British Columbia political parties, being organizations, are covered by provincial privacy legislation.

Then the usual procedural mechanisms apply. It is possible for individuals to make complaints. We saw earlier this year that the then acting commissioner in British Columbia decided to initiate an investigation against all parties. Individuals can complain, which leads to investigations by the commissioner. The commissioner can himself initiate complaints where he thinks there is reason to investigate. Those then lead to findings as to whether or not there have been violations of the provincial legislation.

Mr. Tom Kmiec: Okay.

One of the things I have a problem with when people declare to me that there has been a breach of their privacy is the following. When my father moved from Quebec to Alberta, he had to reapply for his driver's licence and insurance and the conversion of all the things you have to do. His insurance company in Quebec told him that they could not disclose to him his driving history, so that he could then give it to another insurance company, because of privacy laws. He explained to them that it was his driving history that they were holding and that he should be able to tell them to transfer it to someone else.

But, no, for privacy reasons, they said, they couldn't do that. He said that seemed kind of ridiculous to him, and they said, yes, it was, but that's what the law said.

Mr. Daniel Therrien: They were wrong.

Mr. Tom Kmiec: I'm always worried that we're going to create these structures, these laws and regulations, and then people applying them in their offices will misapply them—that's something I've seen—and they will err on the side of caution. They'll do it justifiably. They're trying to protect their organizations. They have privacy officers in corporations and in organizations. I used to be a privacy officer at the HR Institute. They're cautious. Everything is about caution. They don't want to make a mistake. They want to err on the side of caution.

How much of that would impact political parties in the day-to-day activities they have in trying to both identify issues that are important to their supporter base and identify those people whom they don't agree with? I have supporters who don't agree with the New Democrats and the New Democrats have supporters who don't agree with me. I obviously don't want to be communicating with them on an issue on which they don't want to be communicated with, and I'll try to avoid doing that, because I have a finite amount of time.

What do you say to those who make the case that political parties are incentivized already to avoid communicating with those who obviously don't want to speak to them, don't care about the same issues, and are not compelled by the same things? It's a public debate. Whether I'm door-knocking or I'm at a town hall and I'm trying to figure out if Chris and Ruby agree with me or not and whether they are supporters or not supporters, or if I do it on social media or through some other means such as a letter-writing campaign, where do we draw the distinction between what should be private and what is part of the public square or public debate about what is arguably the right of politicians—or not the right of politicians, because we don't have a right to anything—or the ability to understand how our citizens think about a particular issue, and where they are leaning in terms of support or voting? Where's the line?

● (1710)

Mr. Daniel Therrien: I'll answer by again referring to the experience of other jurisdictions. I do not think the application of privacy legislation impedes the normal work of political parties in reaching and communicating with their electors. This is the experience in the jurisdictions where privacy laws apply. We should assume that in Europe and in British Columbia, technology is used to identify people who may sympathize with a party so that the party's work is efficient. All of this is going on currently in other jurisdictions while parties are subject to privacy legislation.

In terms of the difficulty of the application of laws, and the possibility that because this is complex people will err on the side of caution, I would say that PIPEDA is probably a good tool, to that extent. It's 10 principles. It's scalable to the size of an organization. Small businesses are subject to PIPEDA and do not apply the legislation with the same sophistication as Facebook and Google and Microsoft.

So it's a flexible tool, and I think parties would be able to train their staff in a way to respect the law.

The Chair: Thank you very much.

Now we'll go on to Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): Thank you, Chair.

I have a quick question for you, Mr. Therrien. It may be a longer question than I anticipate, and if so, I apologize.

In going through the legislation, something came to my attention that I thought was somewhat positive. Under Bill C-76, if a party intentionally misled someone in their policy, which is now to be required under this legislation, there would be serious ramifications. I mean, the leader could face serious punishment. There would be a deregistering of the party, as it's laid out here.

Is that a positive step, to you?

Mr. Daniel Therrien: It's a theoretically—

An hon. member: [*Inaudible—Editor*] good to know.

Mr. Scott Simms: Perhaps someone else would like to weigh in; I don't know.

Mr. Daniel Therrien: It's a theoretically positive step. I say "theoretically", because the law does not dictate any content for the policies in question.

Mr. Scott Simms: Sorry, I didn't quite hear you. Could you just repeat that?

Mr. Daniel Therrien: The amendment or the section that you're referring to is theoretically progress. It would be progress if the offence were linked to a privacy policy with substance, but because the bill does not dictate substance, then parties are able to describe their use of information in fairly vague ways.

Mr. Scott Simms: Yes, but certainly if the party went against the particular policy that was put up and advertised on their website as such—

Mr. Daniel Therrien: What I'm saying is that the party can make public a privacy policy that is so vague it will not actually contravene it, and we're no further ahead in terms of privacy protection. So if it was a privacy policy with substance that was contravened, I would agree with you. If it was a privacy policy—

Mr. Scott Simms: If you have a penalty, it's obviously worthwhile to.... It may sound harsh to some to have the deregistration of a party or the sanctioning of a leader, but certainly that's apt, in your opinion.

● (1715)

Mr. Daniel Therrien: Yes, but always subject—it's a big caveat —to "does the policy have substance?"

Mr. Scott Simms: Thank you, Monsieur Therrien.

Colonel Joshi, I was here—I was actually sitting over where Mr. Blaikie is—during the Fair Elections Act as we were going through it. I remember at the time there was a lot of talk about how this was going to diminish the right of democracy, which is in our constitution, for members of the military, and particularly their spouses as well.

You brought forward one of those issues, which is, of course, the SOR. You said in your brief, "In the most recent federal general election, the participation rate of Canadian Forces electors was significantly lower than that of the general population." Would I be right in saying that the SOR is the main reason why?

Col Vihar Joshi: That could be one of the reasons why, absolutely. Some folks may not have changed their SOR at the time the writ was dropped, so they're no longer able to vote in the riding in which they feel the most connection. As an example, let's say you joined in Pembroke and you never changed your SOR. Two or three postings later, when you find yourself in Ottawa, but your riding, your SOR, is still in Pembroke—

Mr. Scott Simms: A lot of the critics back then said a statement of ordinary residence was supported by those in the party machinery who want to support riding choosing. I forget the name of the actual term they they used. Basically they won't allow anyone just to choose a riding as they see fit. I get from your speech that this is not the case here. They feel this is their ordinary residence, that they have family reasons for wanting to vote there, and this should make a difference. Is that correct?

Col Vihar Joshi: That is correct.

Mr. Scott Simms: Okay.

In the next election, you're confident, obviously, that this will encourage a lot more people to vote. I remember in 2004 when I first ran, a lot of people in the military voted, according to the polls, but they kept diminishing over the years. I'm assuming there are other factors there too. Was there a lack of promotion from Elections Canada?

Col Vihar Joshi: I really can't speak to that. There are a number of reasons that people may not have voted. There could have been operational reasons for an inability to vote in some cases. Not feeling connected with the riding is certainly a reason.

Mr. Scott Simms: Sorry, I don't mean to cut you off. We don't have a lot of time. The reason that I ask is that now we're looking at more involvement by Elections Canada, not only just where and when to vote, which is obviously applicable to here, but to encourage them to be more proactive as to the voting in the next election and that it's easier, and it's a constitutional right.

Do you think this will help Elections Canada? Do you think they have a ways to go when it comes to promoting voting for members of the military?

Col Vihar Joshi: Certainly informing members about how to vote and their right to vote will help. Through the education program, that certainly will help get the message out to Canadian Forces' electors on how they can vote and where they can vote. I think it will go a long way to encouraging people to exercise their right to vote.

Mr. Scott Simms: That's good to hear. It may not be particularly pertinent on Bill C-76, but certainly your message that maybe Elections Canada step up a bit to inform people about the statement of ordinary residence, and so on.... It's not to say that you're not. I'm just thinking you could always use some help.

Thank you.

The Chair: We'll go back to Tom.

Mr. Tom Kmiec: I will go back to the commissioner for one last question, and then I will hand it over to my colleague.

Organizations and political parties usually have a privacy officer. It just came to me at the end of our exchange that there are certified professionals in human resources who work in a lot of these places.

Doesn't this partly also make the case for ensuring our people are certified, and that they have professional standards to meet in order to ensure that privacy rules are in place? I know you said that in this particular piece of legislation it doesn't outline exactly the contents of the privacy rule for the workplace or for the organization. If you have certified people there managing it, their professional college will ensure that it meets certain requirements set out. I was a registrar before. Privacy is part of human resources' standards of practice, the kind of professional code they have. In Quebec there's a registered association that oversees this, just like for accountants who oversee audited financial statements.

Doesn't this make the case for ensuring there are certified people in those organizations, including political parties?

● (1720)

Mr. Daniel Therrien: PIPEDA has accountability as one of its 10 principles. The accountability principle requires organizations subject to PIPEDA to appoint a point of contact for consumers or individuals, and that person has certain responsibilities for privacy protection within the organization.

There is no certification per se in privacy. There are some associations and courses given so there is a semi-certification process. Certainly, it is desirable that the point of contact be quite knowledgeable in privacy legislation, but at this point it is not a strict requirement.

Mr. Blake Richards: Colonel Joshi, thanks for your service to our country.

I would say there are a lot of things in this legislation that I have concerns with, but—surprise—there are some things in a bill this size that I do agree with. This is one of those areas that is going to make it easier for the men and women who serve our country in uniform to have voting options. I think that's a great thing.

At the end of the day, those of you who serve our country in uniform are the ones who protect our right to vote, and the least we can do is to make it a little easier for you to exercise that right. It's something I do appreciate in this legislation.

I want to touch on it a bit and get a bit more from you. You mentioned the current provisions, where there is the SOR and where the only option for Canadian Forces electors is that period called the military voting period that's between 14 days and nine days before the election. That's the only option currently, correct?

Col Vihar Joshi: There is a very slight window. For people who happen to live in the district that pertains to their SOR, they can vote but only on polling day.

Mr. Blake Richards: So it's only if that exists. We're not just talking about those who were deployed overseas; we're talking about anybody, even on a base here in Canada unless it happens to be the riding that's in their SOR.

Col Vihar Joshi: That is correct.

Mr. Blake Richards: One can understand why that might have been the case for someone deployed overseas, but certainly on a base here in Canada you would think that other options should be available. So it's good to see.

Do you want to give us some hints as to what the challenges would be for someone to vote who would be deployed overseas? This business of 14 to nine days I can see being a problem, but what other methods are available for someone who is deployed overseas, and how would they utilize them?

Col Vihar Joshi: We will be maintaining the military vote for overseas members. They will still be able to avail themselves of that mechanism.

Mr. Blake Richards: It would still be only in that small five-day period.

Col Vihar Joshi: That is correct. It would be if they were to avail themselves of that—

Mr. Blake Richards: Would that be a challenge, that five-day period? Obviously on certain missions, maybe during that period of time you would not be where voting would be possible.

Col Vihar Joshi: It could be a challenge, but every effort is made to ensure that the ability to vote is there. There are systems in place to—

Mr. Blake Richards: Why not just expand that window?

Col Vihar Joshi: The big issue is to get the ballots back to Ottawa to be counted. It's a logistical issue.

Mr. Blake Richards: I get that at a certain point they have to get back. You could probably allow it a little sooner, I don't know. Can you explain to us what other options might be available for personnel deployed overseas?

Col Vihar Joshi: The other options would be the same that are available to Canadian citizens who are abroad.

● (1725)

Mr. Blake Richards: You mean a mail ballot?

Col Vihar Joshi: Yes, if that's a possibility, depending on where they're serving at the time.

Mr. Blake Richards: Are there any other options? Would that be the extent of it at that point, the special ballot process where you mail it to the military base or wherever? Or would they still use the process that exists now, the only difference being that they wouldn't have declared a place of ordinary residence? What would that look like?

Col Vihar Joshi: Their place of ordinary residence would be the ordinary residence before they went overseas.

Mr. Blake Richards: It would be on the register of electors rather than in some separate—

Col Vihar Joshi: Correct.

Mr. Blake Richards: I guess that's all the time I have.

Thank you.

The Chair: Now we'll go to Ms. Sahota.

Ms. Ruby Sahota: Thank you.

Mr. Therrien, previously you mentioned that this piece of legislation doesn't go further in the privacy policy issue and just maintains the status quo.

My understanding is that it was never mandatory for any party to submit their privacy policy, and that is what this bill requires. I know that doesn't seem to go as far as you would like, but that certainly isn't the status quo, correct?

Mr. Daniel Therrien: It is factually the status quo; it is not legally the status quo.

Ms. Ruby Sahota: However, this bill does make it mandatory, so they are required now.

Mr. Daniel Therrien: They are required to publish a privacy policy, without any indication of the content of the privacy policy, compared to the factual status quo where these privacy policies are already public.

Ms. Ruby Sahota: Okay.

But the policy for the protection of personal information, including information regarding its practices for the collection, protection, and use of personal information.... They must submit all of that to the Chief Electoral Officer before registering.

Mr. Daniel Therrien: What the bill provides is that there's an obligation for parties to publish privacy policies that touch on a certain number of issues, but the bill does not require these subject matters to be consistent with generally accepted, internationally accepted, legal privacy principles.

Ms. Ruby Sahota: You were saying that some provinces have taken this step.

Mr. Daniel Therrien: One: British Columbia.

Ms. Ruby Sahota: What year was that?

Ms. Barbara Bucknell (Director, Policy, Parliamentary Affairs and Research, Office of the Privacy Commissioner of Canada): That would have been in 2004.

Ms. Ruby Sahota: It's been some time then.

Have you seen any requests for information come forward? How is that policy working out there? Do you have any tips as to what they have done, things to steer clear of if we do do this in the future, or things to implement?

Mr. Daniel Therrien: What we're told by my colleague in British Columbia is that provincial parties in B.C. are able to function in that environment.

Whether any lessons were learned there to train or inform employees of parties as to how to apply this legislation, we can certainly inquire of that from our colleague in British Columbia and provide that to you.

Ms. Ruby Sahota: Do you know if any complaints have been filed?

Mr. Daniel Therrien: There have been complaints, yes.

Ms. Ruby Sahota: Have there been a lot of complaints?

Mr. Daniel Therrien: Not many.

Ms. Ruby Sahota: Okay.

The Minister of Democratic Institutions has suggested to this committee that we should revisit the issue of parties and privacy rules to recommend a more robust framework.

I understand that you're disappointed it's not within Bill C-76. However, that does not preclude us from being able to revisit the topic in the future and putting together our best framework.

What would you suggest that framework contain, if this committee does do a study on that? You had mentioned following international principles. Is that going far enough, or do you have other suggestions?

Mr. Daniel Therrien: My suggestion would be that the party privacy policies align with international privacy principles, which are reflected in Canada's federal privacy law, which is PIPEDA. I think the policies of parties should be consistent with PIPEDA principles, which are the same as international principles.

Point two, parties should be legally required to comply with these undertakings, which is not the case under Bill C-76.

Point three, whether or not parties are in compliance should be subject to oversight through a complaint mechanism to an independent third party, likely our office.

● (1730)

Ms. Ruby Sahota: Colonel Joshi, I learned quite a few things from your introduction. We had the opportunity to meet when you presented to the electoral reform committee, so it's nice to have you back.

You mentioned that officers serving overseas cannot bring any identification that has their residence listed, for security reasons. That makes complete sense to me, but I was not aware of that point.

Had the previous legislation, the Fair Elections Act, made it difficult, and was it requiring even people serving in the military overseas to provide that identification?

Col Vihar Joshi: We've not had to provide the identification.

Now we will have to provide photo ID, which has a service number and your name on it. There was no prescribed information before. We would not bring, for example, bills or anything with our identification on it. We have our own driver's licences overseas, so we wouldn't have that information with us for security reasons.

You're not precluded from bringing your driver's licence in all situations, but there are certainly situations where you wouldn't want any personal information with you.

Ms. Ruby Sahota: Under the current law, you'd have to provide that.

Col Vihar Joshi: Not if you were voting in the military vote; you would just have to have the identification card we have, which only has our specific service number identification, name, and photo. Everybody has that issued to them in the Canadian Forces.

The Chair: Thank you.

Thank you to our witnesses. We appreciate it. This was very helpful. We were very interested in hearing from you, and we'll switch our panels relatively quickly and get on with our final list of witnesses for today.

● _____ (Pause) _____ ●

● (1735)

The Chair: Welcome back to the 111th meeting of the Standing Committee on Procedure and House Affairs. For our final panel we are pleased to be joined by Ian Lee, Associate Professor at Carleton University; and Arthur Hamilton from the Conservative Party of Canada, partner at Cassels, Brock & Blackwell LLP.

Just while we're waiting for Blake to come back, Mr. Lee, I looked at your list of ID. A lot of those don't identify a current address, which seems to be one of the big problems people had in the last election.

We'll go to opening statements. Who would like to go first?

Mr. Lee.

Dr. Ian Lee (Associate Professor, Carleton University, As an Individual): Thank you very much.

I just want to disclose at the beginning that my presentation is exactly six minutes and 30 seconds, so I hope you'll give me indulgence for an extra 90 seconds.

The Chair: That's fine.

Dr. Ian Lee: Thanks for inviting me to appear on this important subject.

First, I want to run through my disclosures very quickly. I do not consult to anyone, anything, or anybody anywhere in the world: not corporations, not governments, not lobbyists, not unions, not NGOs, and not people. Secondly, I don't belong to any political party, nor do I donate funds to any political party or candidate. Thirdly, in 2014, I researched and authored an op-ed on identification systems that was published in *The Globe and Mail*. I believe everyone has a copy.

After spending quite a bit of time—that was in the spring of 2014—researching identification systems in Canada only, public and private, and the rules legislated concerning identification systems federally and provincially, it became clear to me that it is legally and factually impossible to be invisible in terms of identity in Canada in the 21st century, so I'm putting caveats around that.

In a post-modern sophisticated society, multiple large public and private organizations— from governments to military, to banks, universities, tax authorities, and health care authorities—have been forced to develop systems of identification over the years to authenticate identity before ID is issued or access is allowed to the system, such as seeing a doctor. Thus, it is more useful to think of our systems—plural—of identification in Canada as a gigantic Venn diagram of interlocking circles, for those who can remember Venn diagrams from their university days, wherein each circle of the 40 or 50 systems of identification represents merely one identification system in Canada: OHIP health card, or driver's licence, or passport, or credit card.

But each identification system overlaps many but not all of the other identification systems in Canada. In plain English, millions of Canadians simultaneously, as does everyone in this room, carry an employee identification card, often a driver's licence, a social insurance card, a health care card, an automobile ownership certificate, an auto insurance certificate on the automobile or truck, a passport or a permanent resident card, a credit card, and a debit card, not to mention other forms of identification.

This leads to two critical points. Number one, the mistake of critics in claiming that there is inadequate identification in Canada amongst some Canadians is to focus on only one of the multiple systems of identification and, upon finding some voters who may lack that particular ID—e.g., a passport—then conclude that some Canadians lack any ID to vote, and that's not true. I may not have a passport, but I may have a driver's licence. I may not have a driver's licence, but I may have a passport, and so on and so on. Restated, it is necessary to examine the totality of our national, provincial, and municipal banking, education, and health care et al. identification systems—not any one system in isolation.

Secondly, some critics claim that many identification systems do not disclose much information and thus are inadequate. This fails to recognize the elaborate and very sophisticated systems and rules of primary identification, driven, I would point out, by many of you parliamentarians and past parliamentarians in legislating the systems of identification in a myriad of statutes on the books passed by Parliament over the years, including the tax act, the pensions act, and so forth, which make the secondary identification more valuable.

This may sound very abstract. Let me very concrete. It can be argued that a bank debit card, an ATM card—I have one in my pocket, and I'm sure everyone here does—is pretty useless. All it has on it is my name and long line of multiple digits. What use is that? Except that Canada's Bank Act, passed by you, the parliamentarians, mandates that any person who opens a bank account must—not could, ought to, or should, but must—produce two pieces of primary identification issued by government, and defined as a driver's licence, a passport, or a birth certificate, in order to open a bank account.

● (1740)

Now the FCAC reports—of course, this is established by Parliament—that 96% of Canadians possess a bank account, those little debit cards, which means that 96% of Canadians have a minimum of two forms of government-issued primary ID.

Now I'll quickly review some of the important identification systems that are allowing me to say it's impossible to be digitally or identifiably invisible.

One, per the Vital Statistics Act, passed by every province and territory—I did check that—this is just from Ontario, "The Registrar General shall, upon receipt, cause the registrations of births, marriages, deaths, still-births, adoptions and changes of name occurring in Ontario...." That becomes the database that issues birth and death certificates.

Two, by law, Canadian citizens, newcomers to Canada or temporary residents must have a social insurance number—as you know, because it's been passed by Parliament—to work in Canada or to receive benefits and services from government programs. What a lot of people don't realize is even student loans must be recorded. A social insurance number must be disclosed by the student to get a student loan. That also applies to the myriad of benefits, not just federally but provincially and municipally.

Three, schools record and report to education ministries when a student starts elementary and then secondary school, including immunization.

Four, provincial health ministries issue health care photo ID cards. If you go to the website of any province, it states you must provide two forms of government-issued primary ID. In Ontario, a person has to first show proof of citizenship, then provide separate primary ID establishing residency address before getting a health card to access health care, including doctors or even doing blood tests at the hospital here.

Five, provincial DOT ministries' licensed drivers: per Transport Canada's latest report, 25 million Canadians have driver's licences. They issue ownership certificates mandating the owner name and address for the 33 million cars, trucks, and SUVs registered in Canada. That's 33 million pieces of identification. Of course, there is the insurance, the corresponding mandatory insurance that is necessary.

Six, the bureaucracy that collects and records more data on individuals than anything else is the CRA. In 2015, per the CRA, 29.2 million people filed tax returns. This is more than the 25 million people who were eligible to vote, according to Elections Canada, in 2015. On every tax return, we are required to provide our social insurance number and our address.

Seven, and this is the last on my itemized list, by law, all land titles must be in writing—in English common law systems—and record the name and address of the owner, while under provincial landlord and tenancy laws, rental tenancies must be in writing and record the name and address of the tenant.

At the airport, as we all know, every one of the 133 million passengers in Canada in 2015 had to provide photo ID not once but three times: once to get the boarding pass, once to go through security, and once at the gate, just to get on the plane.

Over two million students in post-secondary education, according to Statistics Canada, are provided photo ID by every college and every university in Canada, because it is mandatory. I've supervised every exam in every course I have taught for one-third of a century. They must bring their photo ID or I will send them home and they cannot write the exam. That is standard practice across universities and colleges because we can't possibly memorize and know all of the people sitting in that class.

It's been argued that the requirement for voter ID negatively affects low-income people much more, yet when you examine Ontario Works—that's the bureaucracy that administers social welfare—you will quickly realize it is vastly more onerous to obtain social welfare because of the identification. They want bank accounts. They want tax returns. They want driver's licences. They want tenancy agreements. It is vastly more onerous to obtain social assistance or welfare than it is to vote because of the identification requirements.

It is likewise for those who have looked at the OAS requirements, GIS requirements, and the Canada Pension Plan requirements to identify yourself in order to be paid a pension under those systems.

In conclusion, in a large, sophisticated society, it is widely recognized that we need rigorous systems of identification to ensure confidence in the integrity of our tax system, our health care system, our election voting system, our student records system, our banking system, and all our other identification systems.

Thank you.

● (1745)

The Chair: Thank you.

Mr. Hamilton.

Mr. Arthur Hamilton (Lawyer, Conservative Party of Canada): Thank you, Mr. Chairman.

I am the legal counsel for the Conservative Party of Canada, and I thank the committee for the opportunity to appear here this afternoon.

There is one particular feature of Bill C-76 that I propose to address, and in fact, it's an omission in the legislation that has now been proposed. Specifically, while the bill seeks to further restrict the spending of registered parties by a newly defined official pre-writ period, it ignores the larger issue of third party financing and the types of third party activities that are not even regulated.

The integrity of federal elections is an issue on which we all agree. Our federal election should be determined by Canadians. If that is agreed, we can also agree that this bill does not go far enough in plugging several holes that permit foreign influence in Canadian federal elections via third party activity. To illustrate my point, I refer to correspondence from Elections Canada prepared in the year 2015. During the 2015 general election, it became clear that several groups, including one referred to as Leadnow, were engaged in several aspects of the election and that they used foreign contributions.

By a letter dated October 1, in response to the concerns the Conservative Party of Canada had raised, the Office of the Commissioner of Elections Canada responded in part:

> As provided for in the Act, Leadnow Society cannot use, for election advertising purposes, any foreign contribution that was received by the third party. It can use foreign contributions, however, to finance any of its activities that are not related to elections advertising. For instance, they may use foreign contributions to call electors, hold events, survey the opinions of electors, send e-mails or give media briefings. Such activities, if carried out by a third party independently from any candidate or registered party, are not regulated under the act.

Elections Canada's interpretation of the Canada Elections Act on this point is open to serious challenge, but rather than endless debate on this point, this Parliament can and should act decisively to ensure that foreign contributions cannot influence Canadian federal elections.

The Supreme Court of Canada ruled on the importance of the strict regulation of third parties in its decision in Harper v. Attorney General of Canada, where it cautioned:

> For voters to be able to hear all points of view, the information disseminated by third parties, candidates and political parties cannot be unlimited. In the absence of spending limits, it is possible for the affluent or a number of persons or groups pooling their resources and acting in concert to dominate the political discourse.... If a few groups are able to flood the electoral discourse with their message, it is possible, indeed likely, that the voices of some will be drowned out...Where those having access to the most resources monopolize the election discourse, their opponents will be deprived of a reasonable opportunity to speak and be heard. This unequal dissemination of points of view undermines the voter's ability to be adequately informed of all views.

That's from paragraph 72 of the Supreme Court's reported decision.

Later in that same decision, the Supreme Court of Canada recognizes that:

> If individuals or groups were permitted to run parallel campaigns augmenting the spending of certain candidates or parties, those candidates or parties would have an unfair advantage over others not similarly supported.

That appears at paragraph 108 of the reported decision.

The interpretation by Elections Canada quoted earlier must be corrected by clear legislative language. Our Supreme Court has been decisive on this point. This Parliament should regulate all third party activities and ban all foreign contributions. When it does so, and only when it does so, we will have secured electoral fairness in this country.

Thank you, Mr. Chairman.

● (1750)

The Chair: Thank you very much to both our witnesses.

Now we'll go to some rounds of questioning, and we'll start with Mr. Simms.

Mr. Scott Simms: Thank you, Chair.

Dr. Lee, it's good to see you again. I was around in the last Parliament, and you were a witness then. I really appreciate your fervour, your excitement, your passion about this. I won't interrupt you too much because I enjoy how you phrase things, especially your vector diagrams.

A term comes to my mind. I will read it from the dictionary. It's called "universal suffrage".

Dr. Ian Lee: Universal?

Mr. Scott Simms: Universal suffrage "including or covering all or a whole collectively or distributively without limit or exception". The very basis for why we put the right to vote within our Constitution, our Charter of Rights and Freedoms.

I get what you're saying about the vector diagram, about all these methods of identification: the bank cards, to get on a plane, social assistance, students, CRA forms, and all that stuff. For me in a way what you're saying is right on target, but it's just wide of the mark because you talk about 4% of the people not getting involved in bank ID. To me, that's a substantial number of people who don't get to exercise their right to vote. That's what worries me.

As I say, I worry about fraud, and I worry about other things. I'm going to quote you for a second. Back when you were doing Bill C-23, you said—this was your argument in favour of the new rules—"It is prudent and responsible risk management to adopt anticipatory precautionary measures before bad things happen, not after bad things happen".

I don't disagree with you, but where did that fraud go that was so prevalent before? Tell me how all you have talked about here covers all.

● (1755)

Dr. Ian Lee: You have asked two questions.

Mr. Scott Simms: I did ask two questions. I apologize.

Dr. Ian Lee: I will answer them quickly.

In terms of the first one, with the greatest respect, Mr. Simms, I think you're making that mistake. You're finding one system where 4% don't have coverage, therefore you're saying they have no ID whatsoever. That's simply not true because every citizen, every person in this country, is covered under the Statistics Act. It is illegal not to record the birth or the death of any person in this country. You can't suppress someone's birth or death. That's just that.

Under the pension systems—and I'm saying this, having just applied and obtained CPP—I can tell you the hoops I had to go through. It's vastly more complex than voting in an election, I assure you.

Those are just two examples so I don't accept the argument that there's any Canadian in this country who doesn't have some form of identification. Twenty-nine million people file tax returns because the CRA requires you to file a tax return even if you don't owe money, for example, if you want an HST rebate, or you're receiving some kind of benefit from the government such as student loans.

To your second one, because I think it's more important, I think my views are even stronger now, not because I'm suggesting there's massive fraud or even minor fraud. I don't believe there is. I also don't believe most planes are blown up in Canada, or in the U.S., or across the OECD because we have very rigorous systems of protection.

Where I'm going with this is we have seen the assaults on our institutions, not so much in Canada but in the States in the last 24 to 30 months. It is absolutely crucial that we maintain the integrity of our voting systems and the belief in the integrity of our voting systems and our banking systems and our political systems. It's the famous Caesar's remark, not only must you be honest, you must appear to be.

I'm suggesting, given that we all have ID, everyone has ID because there are so many overlapping identification systems in this country, we should want to have a system where we are validating identity to vote so it will not give someone the opportunity in a close election to say that somebody was cheating, somebody was cooking, and that's what I'm worried about: undermining the authenticity of our excellent election system. I'm not suggesting people are cheating en masse or even in small numbers.

Mr. Scott Simms: But what I mean by the 4% on the banking issue is you would expect anyone who does not have banking identification.... There are so many other types of identification that they don't have. I've seen it with my own eyes. I've seen seniors or the disenfranchised come in who've never had this type of ID. Maybe they're in a rural area; maybe they travel a great distance. One of the issues we talk about is vouching. I'm not sure how you feel about vouching. I suspect you don't feel that great about it. That system exists so that a person can be franchised. They can be vouched for by someone else. You talked about passports. Passports don't have the address; you write that in.

This is all part of the issue. I'm saying that this vector diagram does leave people out. It does, and we have seen it first-hand. I'm saying can we not just have something, a fail-safe, by which these people will be captured to enfranchise them to exercise their right—I have a right to vote; I don't have a right to get my ass on a plane to get to Florida in January, that sort of thing?

Let me ask this pointed question. You said there is a piece of ID, for example a driver's licence, but they still have to make the second piece concrete. Do you think the voter information card is a second concrete piece of identification that is vital to our system?

Dr. Ian Lee: No, I think it's a piece of cardboard that somebody's printed a name on. I can produce a voter ID card too.

Mr. Scott Simms: I can say that about any ID, really.

Dr. Ian Lee: No you can't, because of the authentication systems that lie behind them, legislated by parliamentarians. Take for example, the bank accounts, to go back for a moment. It isn't private sector ID, but—

Mr. Scott Simms: A voter information card is not a greeting card I buy at a store, for goodness' sake. It does have a system behind it by which that authentication....probably even more than many of the pieces of ID that you mentioned.

Dr. Ian Lee: I'm answering your question. The ID that is accepted to apply for old-age pension, to apply for Canada pension or a passport or a driver's licence is government-issued ID only. That's the fascinating thing. When you start drilling down in a deep dive into all these different identification systems, you'll see they all come back to government-issued, government-controlled, government-regulated identification, and I have a lot more confidence in those systems in Canada for that reason.

● (1800)

Mr. Scott Simms: Some of the things don't really add up here. You don't like vouching, but you have to vouch for someone to get a passport.

Dr. Ian Lee: To answer your question, I don't like vouching. I use the health care system because I'm older, and older people use it. I use it a lot, because I have arthritis. I can assure you, I've been to my doctor and forgotten my OHIP card, and they refused me service. Surely the health of Canadians is critically important. I would argue, no disrespect, that it's more important than voting—if I'm sick. Yet I've been sent home to go get my health care card because we think identity is that important for access to the health care system.

Mr. Scott Simms: Thank you, Dr. Lee. I appreciate the conversation.

The Chair: Thank you.

Now we'll go to Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Personally, I'd like to give Scott about three times as much time, because these exchanges with Ian Lee are.... Give me time to get some popcorn and one of those great big family-sized drinks, and I'd just watch you two go at it.

Mr. Scott Simms: This is great.

Mr. Scott Reid: I want to raise the issue of the voter information card. I had this discussion many years ago with Jean-Pierre Kingsley, and I pointed out this out to him. The voter information card does provide information on a person. I guess you could falsify one if you wanted to; I don't think that's happening. But it suffers from a certain degree of database error, and these kinds of mistakes indicate it's not necessarily all that helpful.

One example that I pointed out to him at the time was that I received, when I was living alone, three voter information cards—one to Scott Reid, one to Jeffrey Reid, and one to Scott Jeffrey Reid. Of course, all three of these are me. I was on the voters list three times as a result of that. In theory, I could have voted as three people—once at the advance poll, once at the returning office, and once at my local polling station. Of course, as an incumbent MP, somebody might have noticed, so that restrained my conduct.

I just throw this out as a way of illustrating that it is not a foolproof system. I'm going to guess you probably agree with that.

Dr. Ian Lee: Yes, if you're referring to the physical voter registration cards.

My bias, and I will fully acknowledge it, is that I am purely in the digital world. In that respect I'm a young person—even though I'm not young. I'm purely digital, and I trust digital electronic data. I'm talking about data with the massive protections—the CRA income tax database is a very secure system, as is the RCMP intelligence database.

We still have a voting system from the 19th century. We do not have a voting system that's for the 21st century. We're going to have to start, especially with millennials, to move towards electronic voting. You can't do electronic voting with these very archaic, 19th-century technologies of identification, because electronic systems require much more secure and sophisticated methods of identification.

Mr. Scott Reid: I can only say, duly noted. That's obviously not going to be contemplated in the current legislation; hence, it's merely of academic interest.

I'll turn to Mr. Hamilton and to the issue of third parties and their spending. This is being presented as part of a package that includes a reduction in the length of the writ period. The maximum writ period has now shrunk. This prevents the pro-rating of party expenditures that occurred in the longer writ period that took place in 2015. The government has touted this as being an important step forward, but I notice they had to create a new pre-writ period. It's sort of two writ periods that have lumped on to each other, one of which is actually longer than the last election was. They then place limits on what parties can do in that period, without placing commensurate limits on what third parties can do.

If you said to me, Scott, your challenge today is to design a law that will have the effect of privileging third parties over registered parties, I think I would have designed this system. Am I being fair in my assessment?

● (1805)

Mr. Arthur Hamilton: That's a very fair assessment of the current state of play, given this bill. It is not going to achieve the stated purposes of the legislation, if you accept that those stated purposes are really what's going on with this piece of legislation.

Third parties are a clear and present danger to our electoral system. When you allow third parties to be the conduit to foreign influence and foreign money, that danger is extreme. This bill has done nothing to correct or arrest any of the mischiefs that can be done by third parties.

Mr. Scott Reid: Right.

In your view, does it actually expand those mischiefs, or does it merely keep them kind of in the position they were already in, without a significant change?

Mr. Arthur Hamilton: Theoretically, you've increased spend limits in this pre-writ period, so presumably the mischief is more problematic coming into the next general election now—if that's conceivable, because it was already terrible in the last election.

Mr. Scott Reid: Right.

Do you have any idea how readily it became evident that there was an issue with Leadnow in the last election? The reason I ask this is we're in the midst of a provincial election in Ontario, which will be taking place on Thursday. It would be helpful to have some analysis of how their rules have worked in order to examine whether the rules here are appropriate. I'm just wondering how long it would take to have an idea as to these things, based on what happened federally?

Mr. Arthur Hamilton: To answer your direct question, it was very evident, very early, that Leadnow was engaged. I believe it was an outside media source. It wasn't one of the political parties that identified this cheque coming up from a San Francisco organization, which Leadnow readily admitted it had taken into its coffers.

In terms of going forward, it's this simple: If you are serious about arresting the undue influence of third parties, you need a complete code of conduct that deals with both sides of the question. Yes, you want to stop the mischief-makers in the third party from foreign sources, but you also want to make sure that our regulators have the ability to challenge those who are receiving the money as the third party.

You need to put a sanction on the people who figure they can just ask for forgiveness later. That may be one way that some people think effective regulation occurs. In the electoral setting, the horse is very much out of the barn by the time any regulator can, if they choose, try to get to the bottom of something months or even years later.

Just so you know, our request for an investigation of Leadnow by the Conservative Party, as I understand it, remains an open investigation in the year 2018. The election was three years ago and that remains open. If you want to tell me that's an effective piece of regulation that keeps the third parties in exactly the position our Supreme Court has directed they should be kept, without pointing fingers at anybody, it's been an abject failure.

Mr. Scott Reid: Thank you very much.

The Chair: Now we'll go to Mr. Cullen.

Mr. Nathan Cullen: I'll start with you, Mr. Hamilton. What investigation was this? You said, investigation by the Conservative Party?

Mr. Arthur Hamilton: No. The Conservative Party lodged a complaint with the commissioner of Elections Canada.

Mr. Nathan Cullen: I see.

So, that would be a little like the Fraser Institute accepting $750,000 from the Koch brothers. Would that be a clear and present danger to our democracy?

Mr. Arthur Hamilton: Do you mean in an election setting? I don't know that the Fraser Institute is participating in an election.

Mr. Nathan Cullen: Oh, don't they participate in elections?

Mr. Arthur Hamilton: I'm not aware.

Mr. Nathan Cullen: They don't provide, say, research to the Conservative Party that then gets advocated for in elections, and then distributed to voters?

Mr. Arthur Hamilton: I'm aware of no such thing.

Mr. Nathan Cullen: Do you want to double-check that before you answer that?

Mr. Arthur Hamilton: I'll take your source, if you have one.

Mr. Nathan Cullen: So, the Koch brothers are okay to donate to people who participate in our elections. It's okay for the largest foreign investors in the oil sands to advocate for certain policies, which were then enacted by, say, the Conservative Party of Canada, but if somebody does it from another political point of view, that's when you have a problem with it?

Mr. Arthur Hamilton: No. Read my statement; review it again. I say eliminate all of it, every last inch of it—eliminate it.

Mr. Nathan Cullen: Would it be wrong for anybody to, say, divert voters to the wrong polling station, using databases that political parties have obtained over time?

● (1810)

Mr. Arthur Hamilton: One hundred percent, that would be wrong. That's already a violation of the current legislation. People should be prosecuted if they do that.

Mr. Nathan Cullen: So, if 40,000 people were contacted from the CIMS Conservative Party database and then misdirected to voting stations, that would be a terrible thing to do.

Mr. Arthur Hamilton: Do you have a source for that? I'm not aware of that instance.

Mr. Nathan Cullen: I don't know, the filing's in court. It's interesting that...

I appreciate vigour and determination on an issue, if it's applied equally. What causes me concern is to suggest that there are clear and present dangers to our democracy, but then not equally apply it across the political spectrum.

Mr. Arthur Hamilton: I'm calling for equal application.

Mr. Nathan Cullen: Are you calling historically, as well?

Mr. Arthur Hamilton: Yes.

Mr. Nathan Cullen: Mr. Lee, the security of our voting system is very important to you. Voter ID cards are a problem, because you see them as not secure. Yet, at the very end, it's not contemplated in this bill, but you talked about electronic voting or online voting. Are an advocate for it?

I'm confused, because not just in this committee, but in a previous committee on electoral reform, we actually looked into that as a possibility, and were told that it's one of the most unsecure things we could do to our democracy, because a) there's no system we'd create that would be secure and b) when it became unsecured, when it became hacked, it would be very difficult to even be aware of that hack.

How do you—

Dr. Ian Lee: My response?

You may or may not know that I'm a former banker from many, many years ago. I don't have any relationship with any banks, but I was 10 years in banking in my 20s and early 30s, and I worked in the building that you people expropriated, which is now the Sir John A. MacDonald Building. I was there for many years, lending a lot of money to people in the Trudeau cabinet, as well as senior members of Parliament.

Where I'm going with this is that the banking system.... I don't agree with you that you cannot make a voting system secure. You know, it's that old joke about a boat is a hole in the water into which you pour money; you can make any system secure if you want to spend enough money.

I'm talking about the Canadian banking system. It has, I believe, one of the most secure and robust IT security systems anywhere. If you look, and there's the evidence, for people who are going to challenge that.... We're getting off-topic, but I'll just give you the....

They have very tiny losses as a percentage of the total dollars flowing through. So, when you look at the empirical data, you see they have very small losses, which tells me it's very secure.

So, going to voting, electronic voting, I do believe we can develop —and I'm not saying it's going to be cheap; I'm not saying we can do it on the cheap, but we can.

Just very quickly, Mr. Cullen, because I think your party is very concerned about access to people—I made this very argument at the university. We're unionized at Carleton, and we still do archaic voting for everything in the union. I said, well, guess what: we have very tiny turnouts for the election. Literally 5% of the faculty are voting for the slate, because you have to physically show up on campus, the votes are held in summer, the professors aren't there, etc., etc.

Electronic voting will encourage and increase participation in the democratic process.

Mr. Nathan Cullen: Surprisingly, and we'll step off this topic. The evidence isn't that strong in supporting that, which surprises me, especially amongst youth voters.

However, I want to get over to the statement you made about the integrity and the belief in the integrity. You said not just the integrity but "the belief in the integrity of the voting systems".

I want to talk about privacy for a moment. Under Bill C-76 the status quo is maintained: political parties are not exposed to any significant duties under the privacy laws of Canada, very few.

The data we all collect as political parties is shielded from the privacy commissioner or any independent observer of what we do with the data. There is no obligation to seek consent of voters or to inform them about what kind of data, personal information, we collect on them. Banks are obliged to do that, and private corporations. Do you think political parties should be as well?

Dr. Ian Lee: I have come to that conclusion. Two years ago I didn't agree with that, but I've come to that conclusion because of what we've seen with the Russian hacking of electoral systems, and it's not just the Russians. It is undermining confidence in the integrity of the electoral system, so I think we're probably going to have to extend it to political parties.

Mr. Nathan Cullen: Mr. Hamilton, what's your opinion on that question?

Mr. Arthur Hamilton: Due fairness is my opinion. Simply put, due fairness.

Mr. Nathan Cullen: What does that mean?

Mr. Arthur Hamilton: It means you will have a populace that accepts the integrity of the voting system when the populace buys that what you're doing is correct. When you talk about securing data and things like that, I am concerned that sometimes governments, and therefore legislation, do move at the speed—

● (1815)

Mr. Nathan Cullen: So should we be subjected to the privacy laws of Canada? Right now, we are not.

Mr. Arthur Hamilton: I think parts of that sound attractive but would be problematic. On balance, I'm not in favour today of those privacy laws being applied to political parties.

Mr. Nathan Cullen: Do you think voters should have the right to know what information political parties have about them on an individual basis?

Mr. Arthur Hamilton: Well, they already know.

Mr. Nathan Cullen: Do they?

Mr. Arthur Hamilton: Sure. If they read the Canada Elections Act, they would know that the Chief Electoral Officer produces the list of electors.

Mr. Nathan Cullen: That's not all that parties have on people's personal information.

Mr. Arthur Hamilton: It gives the personal information that political parties want, doesn't it?

Mr. Nathan Cullen: Oh, come on. Let's not be naive here. We know that political parties collect massive amounts of data.

Mr. Arthur Hamilton: Do they?

Mr. Nathan Cullen: Come on now.

Mr. Arthur Hamilton: Compared to other corporations in the private sector, I'm not sure I agree with you on that.

Mr. Nathan Cullen: They're not subjected to privacy laws like other actors in the private sector.

Mr. Arthur Hamilton: I'm not sure their information is the same either.

Mr. Nathan Cullen: It may be more.

Mr. Arthur Hamilton: What I'm telling you is that I can't accept your premise.

Mr. Nathan Cullen: Oh, my goodness.

Okay, thank you, Chair.

The Chair: Thank you.

Now, we'll go on to Mr. Graham.

Mr. David de Burgh Graham: Thank you.

I have just a quick question for Dr. Lee.

You were talking about elections at Carleton and how little participation you had because people have to actually come and vote. Are you suggesting that requiring proof of ID reduces participation?

Dr. Ian Lee: No, and I'll tell you why I'm very much of that view. We—not the royal we but all of us Canadians—have become inured to the idea of identification. Look at the boarding of a plane. Everyone of us has to flash the ID three times—not once but three times.

Every student knows that if you come to Carleton, or any university or college, you have to produce your photo ID to sit and write the exam. If you want to enter the parliamentary precinct, as I did about an hour ago, you have to produce photo ID called a passport or a driver's licence.

In a modern, complex, post-industrial society, we've accepted.... It's not like living in the village, where everybody knew everybody. You didn't need identification in the good old days of 150 years ago because the village only had a hundred people and everybody knew everybody. Those days are gone, and so we need identification in every aspect, for every system; banking, going into a sports stadium, whatever.

I went to the Eiffel Tower last August. I had to produce ID I don't know how many times in the line, just to get in at the front. What I'm saying is we've become accepting of the idea that we have to produce identification.

Mr. David de Burgh Graham: Those small communities where everybody knows each other still exist. I have a lot of them in my riding. Under the Fair Elections Act, we lost the right to vouch, but you are vouching in the banking system. I just want make that point as well.

I do have other topics, so I have to cut it there. We could always come back later.

Mr. Hamilton, I want to come back to a point made by Mr. Cullen earlier. In 2011, you were more than aware of the robocalls investigation and subsequent activity. Were you involved in that investigation in any way?

Mr. Arthur Hamilton: It's a matter of public record that I assisted to bring witnesses to Elections Canada, yes.

Mr. David de Burgh Graham: In what way did you bring witnesses to Elections Canada?

Mr. Arthur Hamilton: I attended at Election Canada's offices.

Mr. David de Burgh Graham: Were you the lawyer for those witnesses?

Mr. Arthur Hamilton: No. I was there for the Conservative Party.

Mr. David de Burgh Graham: Was the Conservative Party involved in robocalls?

Mr. Arthur Hamilton: Sorry, involved?

Mr. David de Burgh Graham: Was the Conservative Party involved in robocalls?

Mr. Arthur Hamilton: What do you mean by "involved"?

Mr. David de Burgh Graham: I'm asking you, if you are the Conservative Party lawyer and you were present at these interviews, why were you there if the Conservative Party wasn't involved?

Mr. Arthur Hamilton: I'm not sure I understand, but let me try to answer this way.

When the revelations about that wrongdoing came to light—and nobody doubted that there was wrongdoing—the clear directive from former prime minister Harper was that we were to co-operate and give any information to the investigators that we could. I followed that directive. I still believe that was the proper directive, and there was a conviction that certainly was aided by the information that we pointed up to the Elections Canada investigators.

Mr. David de Burgh Graham: Had the elections commissioner had the power to compel testimony and evidence, would the outcome have been different in your view?

Mr. Arthur Hamilton: I don't know, because the way that trial was conducted, Elections Canada clearly had a strategy with their prosecution team. I don't know if they would have had a different result by being able to compel evidence and at what stage.

● (1820)

Mr. David de Burgh Graham: In the Sona decision, the judge was fairly clear that other people had been involved and there's no method to investigate who that would have been and why or how, or how to get to them. Is that true?

Mr. Arthur Hamilton: I understand that, but surely we understand, especially on your side of the table where charter values are something that we're spoken to about every day, the right to remain silent still exists. The idea that a commissioner could compel testimony, does that include in the face of self-incrimination? I don't know that the Liberal Party is advocating that. So I'm not quite sure if there would have been a different outcome.

Mr. David de Burgh Graham: Were you present for the deposition of any of the witnesses in the robocall investigation?

Mr. Arthur Hamilton: It's a matter of public record. I believe investigator Matthews testified to that during the trial.

Mr. David de Burgh Graham: What was your objective in being there?

Mr. Arthur Hamilton: To assist the investigation.

Mr. David de Burgh Graham: To assist the investigation or the Conservative Party?

Mr. Arthur Hamilton: The Conservative Party wasn't under suspicion, so I was not there—

Mr. David de Burgh Graham: Then why were you there?

Mr. Arthur Hamilton: We had witnesses and, as I told you, the Prime Minister's directive was clear and I supported that directive.

Mr. David de Burgh Graham: If you were there and you were acting as a lawyer for the Conservative Party with witnesses who... anyway, is there no conflict of interest there?

Mr. Arthur Hamilton: None.

Mr. David de Burgh Graham: Did any of the witnesses you assisted in finding provide very similar testimony that was later discredited?

Mr. Arthur Hamilton: That was later discredited?

Mr. David de Burgh Graham: Yes, in the trial.

Mr. Arthur Hamilton: No, not that I'm aware of at all.

Mr. David de Burgh Graham: In the trial, it came out that Michael Sona was overseas at the time that all the witnesses stated that he had come around to talk to them. Is that true?

Mr. Arthur Hamilton: I don't remember that piece of transcript, no.

Mr. David de Burgh Graham: Mr. Prescott was given an immunity deal for his testimony. Do you have any idea why that might have been necessary?

Mr. Arthur Hamilton: I can't speak to that. I would not have been involved in that strategy by the crown.

Mr. David de Burgh Graham: Could the use of compelled testimony have perhaps not required as many deals and perhaps got more truth out of this investigation?

Mr. Arthur Hamilton: I don't think so, because you're into the same problem where you're going to butt up against the right of a party to remain silent as guaranteed by the charter. I don't see how a piece of legislation without notwithstanding clause-type language in it would overcome that charter value.

Mr. David de Burgh Graham: Do you believe it's in the interest of democracy to allow the commissioner to have any power to compel or is it against [*Inaudible—Editor*] mostly for that?

Mr. Arthur Hamilton: I think the power to compel probably is back to the "horse is already out of the barn" problem. I would suggest that this Parliament spend more time preventing the harm in the first place. You've heard my statement on third parties and the harm that that represents. That's where our efforts should be focused, because then you're not butting up against charter rights. We're all talking about the integrity of the vote, as opposed to effectively coming in to clean up the mess after it has already been made.

Mr. David de Burgh Graham: Do you oppose these powers being given to the elections commissioner?

Mr. Arthur Hamilton: I just think they're going to have their limits. If someone's holding this out as the panacea that's going to fix everything, it's not, and that's one more of the holes that I've made reference to.

Mr. David de Burgh Graham: Thank you. My time is up.

The Chair: Now we go to Mr. Richards.

Mr. Blake Richards: Thank you.

Dr. Lee, you mentioned something, and I can't remember if it was in your opening statement or maybe it might have been in response to Mr. Simms' question, but it doesn't matter. The point is you made the comment that you require your students to show ID when they write exams. I tend to agree with the comment that you made, that it would be hard to imagine someone not having one of the 39 different forms of ID that are available to use in an election. I find it hard to imagine that scenario, that someone would have that and have a valid voter information card. I think that scenario is pretty hard to imagine, but I think a good illustration of that would be what you've mentioned about the students. Have you ever had a student who couldn't provide that identification? Maybe they didn't have it with them and they were able to bring it back later, which would be the same scenario that would happen in a voting situation, right? Someone might show up and say, I forgot to bring my ID, go home and get it and come back kind of thing. Have you ever had a student who just simply did not have ID, and could not produce any and couldn't find any way to produce any so they could not write an exam?

Dr. Ian Lee: I've proctored every exam for 30 years—I don't outsource my exams—and I've had exactly two students who did not have ID, and in both instances they had forgotten their ID. I don't know how they did it. They said they were driving home, which meant that they left their driver's licence at home too, so they were driving illegally, I presume. But they went home and got their ID. We're very liberal. We're not saying that it must be a university photo ID; we said anything with a photo. We would take a mass transit pass, OHIP, card a driver's licence, a passport, or a university card.

● (1825)

Mr. Blake Richards: It sounds as if your requirement for ID was probably, in some ways, a higher barrier than what is required in order to vote in an election, possibly. And you're telling me that you never once, other than these two who went back to get it—which is not saying they didn't have it—had a situation where there wasn't a student....

This is actually one of the arguments or examples that's often used of someone who would be disenfranchised by not requiring.... How many students do you think would, roughly, in an estimate—

Dr. Ian Lee: My flow-through is 250 a year. I've been teaching for 30 years, so you can do the math.

Mr. Blake Richards: It's a pretty significant number of students.

Dr. Ian Lee: Can I, very quickly, respond to that?

The key point, the answer to your question.... You're quite right. It's education and disclosure.

It's on the syllabus. It's in the calendar. It's drilled into every student's head. I send an email around the week before the exam, and in fact, the night before the exam saying, "Remember, bring photo ID." It's educating the person. They have the ID, but some forget it.

Elections Canada could do a better job, saying, "Remember, everybody, please bring ID to the voting booth on voting day." They could run ads across the country advising people to do so. It's not difficult. Every other institution of government demands ID.

Mr. Blake Richards: I would agree. This is something that I've said many times. I think Elections Canada needs to do a better job of it. We had representatives from the Canadian Federation of Students here today, and I was asking them about that very thing. They were indicating that they had to advertise that in the last election because they didn't feel it had happened, I guess. So I certainly agree with you.

I thank you for that.

With the time I have left, I'll turn to you, Mr. Hamilton.

You identified where you see the shortcomings in the bill. What is your advice on what this should look like in terms of third parties and their limits in spending and that kind of thing? What do you suggest the rules around that should look like, if it were up to you?

Mr. Arthur Hamilton: I would strongly argue for a complete code of conduct, as I said before, that deals with both sides of the equation—the people trying to fund from foreign sources and those here in Canada receiving it. We do this in other things that Parliament has legislated on—our anti-corruption legislation now that puts the onus on a CFO sitting in the C-suite in Calgary, Toronto, or Montreal for things that are going on overseas in that company's operations. We make it the business of that CFO to know exactly where every dollar is going. This seems like a very high standard, but it's something we've chosen to do, to say that, "We, as Canadians, following the OECD, are not going to allow corrupt activities from our Canadian-domiciled companies."

That same structure can be adopted to put the onus at the front end of registration for third parties to demonstrate that they are not acting...or facilitating in any way foreign dollars. That should be the bare minimum in any legislation that is serious about dealing with the third party crisis, which existed in the last election.

Mr. Blake Richards: Thank you.

The Chair: Finally, Ms. Tassi.

Ms. Filomena Tassi: Thank you.

Mr. Lee, I'd like to begin with you.

The example we talked about with the students, where, as Mr. Richards pointed out.... There were two students who were refused in your time working as a professor. May I ask you, did you know the identity of those students?

Dr. Ian Lee: No.

Ms. Filomena Tassi: In other words, were you sending them home to get their ID because you didn't actually know who they were—

Dr. Ian Lee: Precisely.

Ms. Filomena Tassi: —or because a rule was in place? Okay.

Dr. Ian Lee: No, really. I'm getting older. I can't remember 50 students and all their names.

Ms. Filomena Tassi: I've worked with students for the past 20 years too, so I understand what—

Dr. Ian Lee: It's a sea of faces.

Ms. Filomena Tassi: Let me ask you this. If you were to know their ID. Let's say you were to know who they were but they had forgotten their identification, would you have allowed them into the exam to write that exam?

● (1830)

Dr. Ian Lee: If you'd asked me that 10 or 15 years ago, I probably would have said yes. Today, I've become much more of a stickler on the idea of due process. I really believe in one rule for everybody, not one rule for the students who I've developed a friendship with because they've sought me out, as opposed to another rule. I've said this to students. This rule applies to everybody, regardless of your gender, your ethnicity, or your religion. I can't start playing favourites, because that's not right.

Ms. Filomena Tassi: So, your focus there is really on the process, and ensuring it's applied equally.

Dr. Ian Lee: Equally, fairly, and objectively.

Ms. Filomena Tassi: If you knew the integrity was going to be preserved, you knew that person who was writing, and if they had to go home, they could lose the course, because it could be a 100% final, for example.... It's more important to you that the due process is followed.

Dr. Ian Lee: Yes, because of students saying you're starting to create favourites and playing games—

Ms. Filomena Tassi: Yes, I can understand.

Dr. Ian Lee: —and that's what I meant by the integrity of the system. It's very easy today to be challenged. Authority can be challenged by someone saying that you're playing games, you're making special rules, because—

Ms. Filomena Tassi: Except you wouldn't be doing be that if you knew the person, if you knew the nature of the person. What you're saying is the process is more important for you.

The evidence that we've heard, from not only the Canadian Federation of Students, but others, indicates that students face a particular challenge, and the challenge is that, although there might be many different pieces of ID they could have, it's the address that presents the problem. Some people have 80 plus different potential identification pieces, but they don't have identification pieces with their address on it. This is why the testimony of the students' federation was so strong saying this is making it difficult.

I have two questions. One, do you appreciate that students are in a different position in this, because they don't have the plethora of ID that other people have? Two, that the evidence that we've heard is that with the voter identification cards, there is no fraud. So, if you were given that assurance, that fraud was not an issue with the voter identification cards, would you support it? Do you recognize that students are in a different position because they don't have ID with their address on it?

Dr. Ian Lee: I was hoping someone was going to ask this question of me, thank you.

I'm very familiar with the registrar's office, which, as you may or may not know, are present in every university and college.

Ms. Filomena Tassi: Yes, and they all operate differently, and some are aware—

Dr. Ian Lee: Let me finish.

Ms. Filomena Tassi: —that the addresses can be provided, and some are not, and that's a problem for students. We heard that—

Dr. Ian Lee: In the registrar's offices that I'm familiar with, and I'm pretty sure they're pretty standard, we must have an address. We will not register a student who will not provide an address, and they provide the address where they're living, on-campus or off-campus. Our students are also ubiquitous in terms of cell phones, and the bill is coming in to them wherever they're living. I simply don't accept the argument.

I talk to students all the time—by the way, I teach full-time, I'm not a part-timer—and they're very open and transparent, and they are very sophisticated. As I said, I do not know a student who doesn't have a cell phone, which means they have a cell phone bill with an address.

Ms. Filomena Tassi: Some of the bills are going to the parents. If you have students, and you're not aware bills are going to parents.... There are many bills that are going to the parents, and I may be one of those parents. The issue is that the testimony we heard today—and I've experienced this first-hand—is that number one, students aren't aware that they can go to the registrar's office to get that letter, and number two, registrar's offices aren't pumping those letters out, because they don't realize they have the obligation to present the letter.

Dr. Ian Lee: I think that's a much more fair point. I don't agree with the first point. The second point is, there is an education process needed by Elections Canada to educate people, and not just about voting. There are people who don't know what they have to do to go apply for Canada pension cheques, but we don't say that they don't have to produce any ID, they can just walk in and ask for the cheque, and we'll give them the cheque, and they walk out. We don't do that. Likewise, at the border, if you say your forgot your passport, they just say that's just too bad.

Ms. Filomena Tassi: It's a bit of a difference, though, comparing those things, because here we are in a situation where we are trying to encourage young people to go out and vote. We're not saying to them, "Okay, you're going to go to Florida for a week's vacation, so you better have your proper ID". This is something where we are trying to encourage them and to whet their appetite to get them voting. We have to do what we can to make it easier, not make it harder and put standards on them, given they may not want to take extra steps.

If you were assured that the voter identification cards were not fraudulent, that they could be relied on, would you then say that you would accept those as a piece of identification for students?

● (1835)

Dr. Ian Lee: I'm answering; I'm not ducking your question at all. I do not believe that the voter registration card—

Ms. Filomena Tassi: Do you have evidence to the contrary?

Dr. Ian Lee: I don't believe they can be made secure. I have had voter registration cards. I've been voting for a long time. I just turned 65 this year and I've never missed a single provincial or federal election. Every time I've had one of the cards, I've thought, my God, this is a really crappy, insecure system. It's just a piece of paper. I could make one of those. I could concoct one and make a pretty good facsimile.

Ms. Filomena Tassi: The letter from the registrar's office, you think it's more thorough than that?

Dr. Ian Lee: I'm saying it isn't very thorough. It is not up to the standards of Service Canada. It's not up to the standards of the other databases of the Government of Canada. It certainly doesn't meet the standards of our passport security system, which is very strong. All I'm saying is that we should have the same standard we have in all of our other government services and identification, a standard that has been mandated by you, the parliamentarians, a standard that I applaud.

The Chair: Thank you.

Thank you, everyone. My thanks to the witnesses, a very active panel compared to some of the previous ones.

Mr. Nathan Cullen: Don't diss the previous ones.

The Chair: I'm not saying they were bad; I'm just saying this one was very animated; maybe animated is the word I meant.

We're going to suspend while we go into committee business.

● (Pause) ●

The Chair: Welcome back to the 111th meeting. We are discussing the second part. We separated two issues this morning and agreed to come back to deal with the second issue.

Mr. Nathan Cullen: Can I just get a quick update? Have we heard back from Twitter? They're sending us panicky notes from Washington. I just want to see if they've connected with the clerk yet.

The Clerk: I have yet to hear back from Twitter, but I've had a couple of exchanges with Facebook.

Mr. Nathan Cullen: Are they available Thursday?

The Clerk: Thursday afternoon.

Mr. Nathan Cullen: Can we circle back to it when we're done? We need to know how many days of witnesses we have so that we can be sure of what we want to do about inviting them. They're at a training course, which is awesome. But we can Skype them in or Twitter them in, whatever technology they want to use.

Mr. Scott Reid: More prosaically, couldn't we just do a video conference?

Mr. Nathan Cullen: We were talking to them about that.

Can we circle back to it once we get done with the calendar?

The Chair: Okay.

Ruby, do you want to go back to what you were proposing?

Ms. Ruby Sahota: Part of what we just discussed is important. I'm not sure I understood. So Facebook has replied and they're available for Thursday afternoon, but through video conference? Is that what's been said?

● (1840)

The Chair: That was Twitter.

Ms. Ruby Sahota: Oh, it was Twitter. Twitter is available Thursday.

The Clerk: Facebook was supposed to come Thursday afternoon.

Ms. Ruby Sahota: In person on Thursday.

The Clerk: Twitter gets to respond officially. The email we sent them said the deadline to respond was noon tomorrow.

Ms. Ruby Sahota: So we'll know tomorrow. Where do we stand on scheduling all the witnesses, the 300 or so witnesses who were called? In regard to those who have made themselves available or want to be available, where are we at?

The Clerk: We're still taking emails and processing responses, but I can say that on Thursday we have a full slate of witnesses. The notice of meeting went out for tomorrow's meeting as well and it's also relatively full.

Ms. Ruby Sahota: Okay, do we have anything for Monday?

The Chair: We didn't schedule Monday.

Ms. Ruby Sahota: Right, it wasn't part of the original motion.

I was just wondering whether the committee would feel okay in case there is some interest shown in the next couple of days. There have been quite a lot of witnesses submitted by the other parties, and I was wondering whether we could extend hearing witnesses into Monday, just as a slot, just in case, and then have the minister come in as well in one of the time slots.

Mr. Nathan Cullen: This is chicken-and-egg. With the committee not confirming, it's difficult for the clerk to be open to things we haven't decided yet. We should decide if there's a slot or two slots on Monday or whatever we're doing on Tuesday so we won't have people writing back to the committee saying they're interested but then it's full on Thursday and so on. We have to make the call and say what we want to do. Do you know what I mean?

Ms. Ruby Sahota: Yes, I'd like to see what both of your parties think about allowing that time. Or do you think we should move past the witnesses after Thursday?

The Chair: Blake.

Mr. Blake Richards: My comment would simply be that we should hear from the people who wish to be heard. That is the barrier that was used the last time we looked at elections law, and it's the barrier that should be used in this case.

I think these arguments that are being made to just leave a little time on Monday in case a few more people want to come, I don't know.... Maybe the clerk can help us. Obviously, people were being offered spots for this week. In some cases, in the best-case scenario, they were being offered a spot in the next four business days and, in the worst case, maybe even for the next day or two days from the day they were contacted. Clearly, that would have disqualified a lot of people who would have wanted to come from coming this week.

I think we can all understand that people have busy schedules. In some cases, they have to travel across the country, and it wouldn't even have been possible. To be thinking that, just because they weren't necessarily able to come this week they weren't interested is to make a huge leap. I would assume that there are a lot of people on those lists who still have an interest and would like to come. They should be heard.

We are talking about making changes to the elections law of this country. It is a very significant piece of legislation. From the very few witnesses we've heard—and it is very few—we have already heard a number of things that I know I hadn't thought of. I notice that other members were picking up on things that they hadn't thought of or heard about in terms of concerns or potential amendments. This is why we do this.

I get that the government has for whatever reason suggested that they really feel they have to ram this through and do it quickly. I disagree with that, but that seems to be the case. I don't think that serves the best interests of the country or of any of us as parliamentarians in trying to do our jobs properly. We need to hear from the people who want to be heard, and we're nowhere near that at this point. To say that we should be done after Thursday is utterly ridiculous, frankly. To suggest that Monday would then be enough is no less ridiculous, really.

My suggestion would be that we actually determine how many witnesses want to be heard and schedule the number of meetings necessary to do that.

● (1845)

Ms. Ruby Sahota: May I ask what your proposal is, Blake? How much longer should we...?

Mr. Chris Bittle: We haven't had one day yet, Blake, in three weeks, so I don't know if we....

Ms. Ruby Sahota: Do you have any kind of proposal about what you see as a time schedule, so that we can have that discussion and try to figure out how to plot it?

Mr. Blake Richards: I think that much like most studies we do, we probably would determine it based on the witnesses. I don't know if they've been canvassed, even, as to whether they're interested in appearing or not. They were asked if they would appear this week. Those are two different things.

Maybe the clerk could help us as to whether they've been canvassed on their interest, and then we can get some sense as to how many meetings are required based on that.

The Clerk: I can say that people in my office have been assisting me, and we've reached out to almost everyone on the witness lists that were submitted. They were all offered an opportunity to appear on Monday, Tuesday, Wednesday, or Thursday of this week. There was never any mention of additional meetings, so on the responses that we got back, we did not ask people to specify whether they would be interested in appearing at a later date. It's not information that we have on hand at this point in time.

Mr. Blake Richards: I would suggest, then, because I'm being asked for a proposal, that we do that work: that we canvass the individuals and determine how many are interested in appearing, and then schedule the appropriate number of meetings.

The Chair: Ms. Tassi.

Ms. Filomena Tassi: Could we just recap?

Although the suggestion is that we haven't studied this, I feel like it's all that I've studied for months and months. Can the clerk confirm that we've had about 30 hours of witnesses? Do you have the number? That doesn't include the next few days of witnesses. It's in addition to that. For Bill C-33, we studied for....

I'm just concerned about it being suggested that we haven't studied this sufficiently. I am happy if there are witnesses who want to come forward soon, but I don't appreciate the comment that we haven't studied this. I feel that we have studied it. We have 30 plus hours already and we have another—

Mr. Blake Richards: I don't mean to interrupt, but where do you get this 30-hour figure from? We met for three hours yesterday, and six hours today, that's nine. Then if you include the minister and the officials that's 11, maybe. We've heard from Canadians for nine hours.

Ms. Filomena Tassi: As of Thursday, it will be 30 hours. I don't know what it was with Bill C-33, which is included in this. I would like the clerk to tell us.

Mr. Blake Richards: I don't really—

Mr. Chris Bittle: Blake, I know you really like interrupting everyone, but you don't have the floor.

Chair—

Mr. Blake Richards: I'm just asking where the 30 hours is coming from. We had three hours yesterday, and six hours today.

Ms. Filomena Tassi: I thought the 30 hours was to the end of today. It's actually to the end of Thursday; by the end of Thursday we will have had 30 hours. I'm not making the point to end discussion. I'm making the point to say that a suggestion that we haven't had witnesses or listened to witnesses in a robust way I think is misrepresentative, particularly in light of the fact that Bill C-33 is also in this bill, which we also spent numerous hours on.

I'd like to get a response from the clerk, not right now, but maybe the next time we meet, as to how many hours of witnesses we heard there. I want to make that point. I don't want to drag this out. I don't want it to be misrepresented that we haven't heard from witnesses.

Ms. Ruby Sahota: She means the CEO's report, not Bill C-33.

Ms. Filomena Tassi: That's what I meant.

The Chair: Mr. Bittle.

Mr. Chris Bittle: Clearly, there's no path forward.

Mr. Richards, we've been asking for plans from you from weeks.

Mr. Blake Richards: I gave you one.

Mr. Chris Bittle: A plan to come up with a plan to come up with a plan is not a plan, Blake. I appreciate that.

We're in camera, so taking swipes at each other is not worthwhile.

Voices: We're not.

Mr. Chris Bittle: We're not in camera? Fabulous.

Some hon. members: Oh, oh!

Mr. Chris Bittle: Fabulous. But still, that explains Blake's....

Mr. Nathan Cullen: Tell us what you were going to say.

● (1850)

Mr. Scott Reid: Don't stop now.

Mr. Chris Bittle: Do it in camera, swear, swear, swear.

Clearly, there's still just a plan to come up with a plan. If the Conservatives want to offer something concrete, I think we could go forward.

There's an offer on the table to extend the amount of time. That's been pushed back. I don't know if we're going to get anywhere tonight.

Mr. Blake Richards: What's the offer on the table exactly?

Ms. Ruby Sahota: It's to extend witnesses to Monday if there are any of those who we can re-ask, I guess. If we so choose, we can instruct the clerk to canvass those same witnesses again and let them know that there's another slot available. That gives them four more days and a weekend to prepare and come before committee.

Most of the witnesses, with the exception of maybe the chicken farmers...I'm not sure if they have a good grasp on this type of material about elections.

What my colleague, Filomena, has said it that we've been through a lot of this material with the Chief Electoral Officer's report because 80% of what the Chief Electoral Officer's recommendations were are in Bill C-76. We have thoroughly gone through it. We had the Chief Electoral Officer sit here meeting after meeting with us and also explain to us every time we had any question on any issues.

So we had the foremost expert on elections law here throughout that whole time. I can't even recall how many meetings that was at this point. I would have to go back to take a look. There were 25 meetings. That's over 50 hours there of meetings at that point. There's 50 hours plus the 30 hours of witnesses, now.

I'm just saying that it's not on this legislation but a huge chunk of it really was discussing whether these recommendations were good or not and what they entailed. We have a good understanding, I believe.

Let's put it out there to see if any of those witnesses want to come forward with another time slot. There's at least another six hours of options for them. Then we would have to naturally progress after that. That's the only way I see it. That's what we do as a committee, right?

Once we've had the witnesses, we have to go on to the next stage of the study.

The Chair: Mr. Kmiec.

Mr. Tom Kmiec: I'm just going to make a point. In the name of brevity, I'll keep it short.

I sit on the Standing Committee on Finance, and we're going through a statutory review of the anti-money laundering act. We've been at it for eight months—maybe even nine months—at this point. I think we have easily reached almost 100 hours. The committee is travelling this week to study the issue.

I think Bill C-76 is a much bigger deal than the statutory review of the anti-money laundering act. The provisions contained within it have a direct impact on our democracy. The anti-money laundering act provisions are important in and of themselves, but they're not fundamental to what happens in 2019, which is a general election. I understand there is a certain amount of urgency to deal with it.

That being said, you want to get it right in the first place. You want to have all the right witnesses, and the right amount of feedback. You want to keep your list open, as has been the practice on two committees that I have been on, the Standing Committee on Foreign Affairs and International Development, as well as the finance committee. Keep the list open, because as you're questioning witnesses they might say that they know this professor who could provide you with this type of information.

This is a big bill. It's 354 pages. I have gone through it myself. It's a lot to read and compare to what the act says right now. These documents aren't easy to read. Bills aren't made in a format that are simple for anyone to pick up.

I think it's more than reasonable to keep it open, so that witnesses can come in when they can. As you're questioning individuals who come before the committee, they provide new names and you have the opportunity to go and find additional information to test what's in the bill, and its validity. Either it is, and you find evidence out there that confirms the direction that the Government of Canada has taken is the correct one, or they say it's faulty, because of an experience in their jurisdiction.

Commissioner Therrien, who was here today, provided a lot of information about the European context, and how political parties comply with privacy rules. He didn't name specifically that in Italy, they do x, y, and z, or in Greece, they do the following.... He could have said that in Greece, I have the contact for so and so, a commissioner who could provide you with that information. You never know what you're going to get until you start to process off.

Again, I'm just dropping in on this meeting to make a contribution. Other committees have dealt with this in other ways. By keeping it open and not restricting themselves to a strict timetable, they've had a better outcome.

It's an observation.

● (1855)

Ms. Ruby Sahota: Not to knock any committee, but maybe we're just more efficient.

Mr. Tom Kmiec: I'm going to tell Wayne you said that.

Ms. Ruby Sahota: In eight months, you have gone through 100 hours. We've gone through about almost 80. By Monday we'll have 80 hours completed, when it comes to looking at the subject matter.

I think it's also very important that we have an independent person, the Chief Electoral Officer. He has guided us through a lot of these different issues in his recommendations, all along the way. He really knows how these rules impact people, day in and day out, from experiences they've had in the past, through previous elections.

I think being able to hear from him previously, when we studied his recommendations, and then now, before committee, has been a really effective use of our time. We've learned a lot.

I just put it out there that we leave spots open. We've asked hundreds of people to come forward. I think a lot of those who had valuable information have come forward. There might be a few others. That's why I'm saying let's leave that spot open, to see what they have to say.

The Chair: Mr. Richards.

Mr. Blake Richards: As much as I'm enjoying seeing these numbers inflate by the minute...the number of hours that are claimed we have heard from witnesses. I think it started at 30 a few minutes ago, and now we're up to 80.

Ms. Ruby Sahota: I mean the Chief Electoral Officer's recommendations.

Mr. Blake Richards: That's really accelerated. That's even faster than Mr. Graham's pace of speaking.

Having said all that, I certainly would disagree with the numbers. I'm just boggled at where they might possibly come from. I've done the math, and we've heard this week from witnesses for nine hours. I think we've made some progress thus far in hearing from witnesses. We're getting more for the next couple of days. That's a positive thing. Following this week there are two more weeks before Parliament rises for the summer. Why don't we take those two weeks, let the clerk utilize those two weeks, and we can decide on what the schedule will look like for those two weeks. I'm open to whatever works for everybody. In those two weeks, we could offer whatever spots we determine to those witnesses. That would give them a choice, so that it wouldn't be just a few days from now; there's a second week there as well. I would suggest that, beyond inviting them for those two weeks, for those who aren't able to come in that two-week period, we ask a follow-up question—maybe they could be asked at the same time—that, if they're not able to appear in the next two weeks, if there were more time available, whether they would be interested. At that point we could get through scheduling for those two weeks. We would determine what we will be able to hear during that two-week period and then make a decision at some point during that time as to whether there are more witnesses we need to hear from, and we could schedule those meetings for the future. If not, then we could have a discussion about what comes next instead. That gives us a couple of weeks to hear from a very large list of witnesses who remain unheard. It might get us somewhere near the numbers we're hearing on the other side now.

The Chair: Mr. Cullen, Mr. Bittle, Mr. Graham.

Mr. Nathan Cullen: We're studying this bill. Of course committee members know that I was quite keen on something that would have taken us around the country. For various reasons, that didn't happen. We're now at the point where we've had a number of meetings. I don't know what we're currently at in terms of hours of studying this particular legislation, but I'd say it's 10 or 15, or maybe it will be 20 by the end of the week, give or take, which would not be great for me. The government is under pressure to get the bill back into the House at some certain point. They're probably not happy. Until everybody is equally unhappy, we probably haven't arrived at the right calendar. I'd rather cut to the chase than circle around this thing. The Conservatives have proposed something that would not have the bill returned to the House prior to the end of the spring sitting. The Liberals are obviously—I don't want to speak for them—not going to be willing to agree to that. Some point in the middle of those two proposals is where we're.... I guess we just need a motion eventually from you guys as to what you want and when you want the bill back. I would really avoid saying we've exhausted the witness list, because we've exhausted it with the very tight constraint that we had, which was, whether witnesses could come in within two days or three days. A bunch of people said no. For a normal committee, we would have submitted witness lists and we would normally have had two or three weeks of witness hearings and people slotted in. We've taken a very aggressive approach in terms of the number of hours, but they were all very immediate.

All I'm saying is in order to not have this go on forever, find out what the government wants. When do they want the bill out? How many more witness days do they want to have? We can agree, disagree, have votes, and then move on. I just don't know if we're going to get super productive arguments back and forth philosophically. I think this is going to come down to brass tacks at some point.

● (1900)

The Chair: So you want a proposal.

Mr. Nathan Cullen: Yes, essentially. We had one, and it was withdrawn. There was one that was floated around for a while, and it wasn't submitted for a vote. I don't know if there is another version of that ready or if tomorrow there could be one ready. I just don't know if we're getting anywhere.

The Chair: Mr. Bittle.

Mr. Chris Bittle: I think I'm going to propose to adjourn. Maybe we should all take Nathan's suggestions under advisement. I'm going to use the time to go through *Hansard* and check out the Bill C-23 debate and check all of Blake's references for there not being enough time in committee to study the bill. I'm sure there will be lots of those. I do propose a motion that we adjourn right now.

The Chair: The motion is not debatable.

(Motion agreed to)

The Chair: We are adjourned.

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